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**PARISH CONSTABLES VERSUS POLICE CONSTABLES:  
POLICING EARLY NINETEENTH-CENTURY ESSEX**

**BY**

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**SUBMITTED FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY**

**THE OPEN UNIVERSITY**

**JANUARY 2007**

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DATE OF SUBMISSION 19 DECEMBER 2005

DATE OF AWARD 18 JANUARY 2007





'The policeman considers the beadle an imbecile civilian,  
a remnant of the barbarous watchmen-times, ...  
something that must be borne until government shall abolish him.' \*



## ABSTRACT

This thesis begins by placing early nineteenth-century Essex in its historical context before going on to discuss the role of magistrates, a small group of whom could be described as semi-professional. Discussion about a survey of peace officers in 1832 introduces case studies of several policing schemes which were operating concurrently under different authorities. Consideration of the debates and public enquiries of the late 1830s link national issues to local practice, and this is followed by an examination of the practicalities of starting the county force and its interactions with parish constables and other local officers. The penultimate chapter discusses the different ways in which policing developed before and after the 1835 Municipal Corporations Act in the four ancient Essex boroughs. A concluding chapter focuses on the compulsory 1856 Act and its contribution to the diminishing role of parish constables.

The thesis, therefore, contributes to the continuing reappraisal of the role of early nineteenth-century constables. It demonstrates that, contrary to the stereotypical images, many parish constables were both competent and semi-professional. Hitherto much research has concentrated on magistrates and constables as historical agents, illustrating their active contribution to the development of professional policing as the old system was gradually superseded by the new police. By using a range of local and national records, this thesis focuses mainly on the men appointed as petty constables by authorities such as courts leet and parishes, and examines their occupations and background. It shows how such men operated in a cross-section of Essex communities between c.1800-c.1860, and explores their working relationships with magistrates and members of the new police.

The thesis thus challenges some negative stereotypes of the parish constable but, more importantly, demonstrates that he continued as part of an effective parallel system of law enforcement which co-operated with the county police until the mid-1850s.



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## NOTE ON ABBREVIATIONS

For clarity, all abbreviations have been introduced in the text at their first occurrence, with an explanation of the short form being placed in square brackets on the first occasion, for example Essex Record Office [hereafter ERO]. I have also noted in the text where abbreviations have been specifically created to make a referencing system for those borough records that have not been catalogued, for example HWC and a date, for entries in the Harwich watch committee minutes.

In the body of the thesis and in the footnotes I have followed the usual convention of citing printed sources by author, title, publisher, date of publication and a page reference. Where a second reference follows closely I have again followed convention by reducing the citation to author's surname and page number. In this thesis a number of works have been cited frequently in the same chapter. To reduce tedium for the reader I have shortened repeated citations to the initial letters of the author or authors' surnames, for example 'Philips and Storch p 30' is expressed as 'P & S p 30'. Where it was felt that the reader needed a reminder then the short title has been re-introduced, for example, 'Philips & Storch *Policing Provincial England*.'

Because of this policy I have not felt it necessary to provide a separate table of abbreviations.



## LIST OF ILLUSTRATIONS

### 1 Frontispiece

The beadle is Richard Clay of Chelmsford, described in the original 1827 drawing as 'night watchman and ?[sic] beadle'. A print based on the drawing by M Gauci has been in the author's possession for many years, and was first published by I Marsden of Chelmsford in June 1827. The frontispiece of this thesis was adapted in such a way that the original source had to be omitted. While no reference to Richard Clay was found in the Chelmsford overseers' records, there were records of an Isaac Clay who acted as a parish constable in the early nineteenth century. No relationship could be proved though it is very likely to be the same family (see Chapter 1). The unidentified constable has been adapted from an undated and unattributed print in the possession of the Essex Police Museum and was taken with permission from one of their publications [*The Roll of Honour*] of which I was joint author.<sup>1</sup> The quotation is taken from Charles Dickens, *Bleak House*, (Everyman's Library, 1991 edition, first published in 1853), p 144.

- |   |  |                 |
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<sup>1</sup> Maureen Scollan & Frederick Feather, *The Roll of Honour*, (Essex Police Museum, undated).



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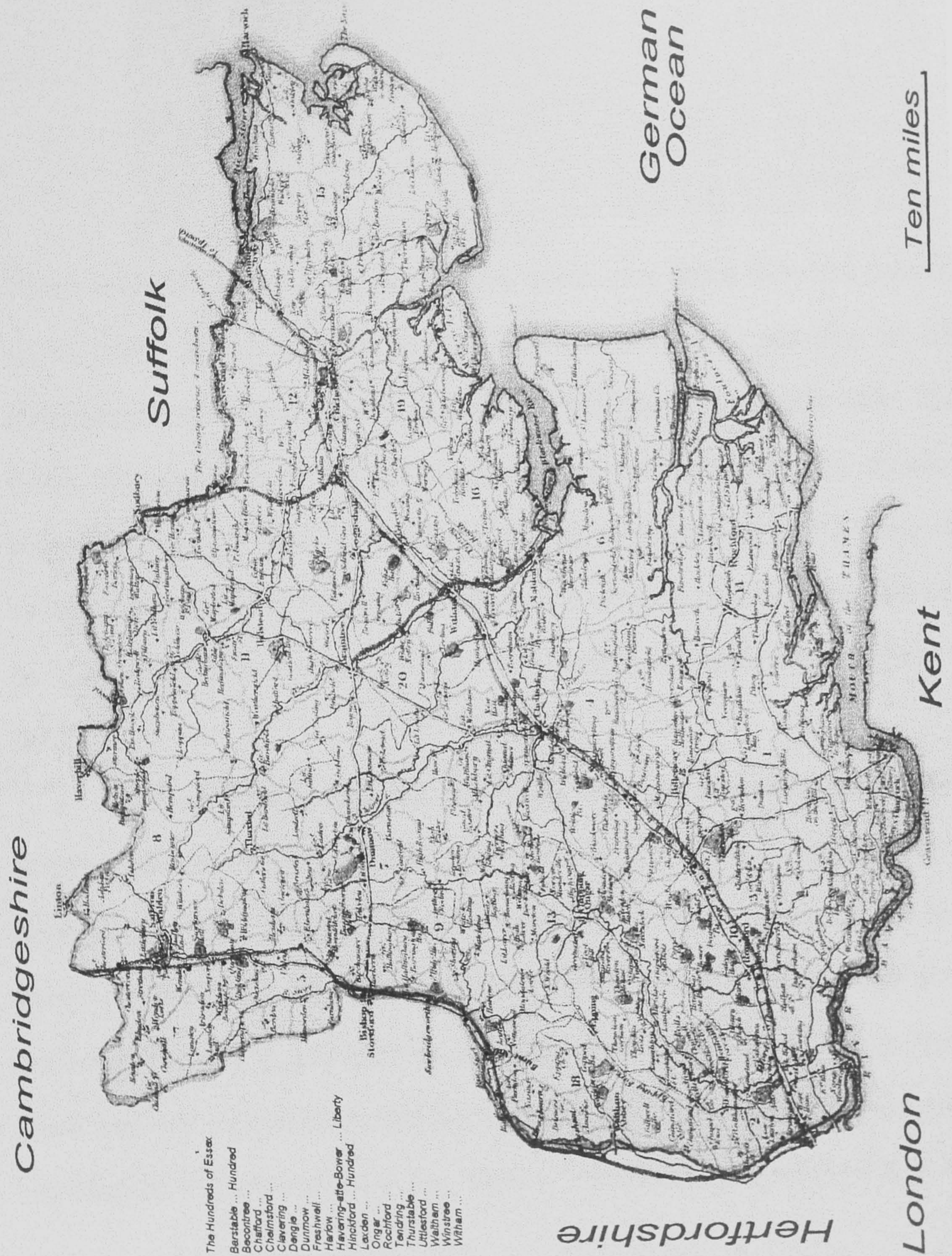
Trade or Status of Recruits to Essex force between 1840-1860.

### **APPENDIX 2** 278

Population of each Parish in the Tendring Hundred in 1841.



# Essex c1850



Adapted from an undated map in the author's possession.



## CHAPTER 1

### AN INTRODUCTION

'We are not by any means devout believers in the Old Bow Street Police. To say the truth, we think there was a vast amount of humbug about those worthies. Apart from many of them being men of very indifferent character, and far too much in the habit of consorting with thieves and the like, they never lost a public occasion of jobbing and trading in mystery and making the most of themselves. Continually puffed besides by incompetent magistrates anxious to conceal their own deficiencies, and hand-in-glove with the penny-a- liners of that time, they became a sort of superstition. Although as a Preventive Police they were utterly ineffective, and as a Detective Police were very loose and uncertain in their operations, they remain with some people a superstition to the present day.'<sup>1</sup>

Parish constables deserve a much more honourable place than has previously been given them in the annals of law enforcement, but because of derogatory generalisations and unflattering stereotypes that place has mostly been denied. This thesis will contribute to the rehabilitation of parish constables by focusing on the individuals who policed a number of Essex communities in the early nineteenth century. By examining their backgrounds and working relationships with others such as magistrates and members of the new police, it will seek to place them in a wider context.

Traditional 'Whig' histories of policing have assumed that the arrival of county forces meant the speedy end of parish constables, but evidence will be presented here which reveals their continuing active role which carried on for longer than previously assumed. Nineteenth century legislation provided a range of alternative schemes for policing, and local people predictably responded in vastly different ways; there was nothing inevitable about the pattern and development of local policing. The significance of local control in the 'agency' concept propounded by E P Thompson<sup>2</sup>

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<sup>1</sup> Charles Dickens, 'A Detective Police Party 1', in Michael Slater, (ed.) *Dickens' Journalism* Volume II, 1834-51, (J M Dent, 1996), p 266-7.

<sup>2</sup> E P Thompson, *The Making of the English Working Class*, (New York, Pantheon Books, 1964), pp 12-13. [Hereafter Thompson].



will be discussed more fully later. It will also be seen that in parts of Essex, updated versions of old policing practices operated concurrently with the new police.

Policing and its part in nineteenth century social control has to be seen in the broad national context of a period which saw central government getting increasingly involved in local affairs. The aftermath of the Napoleonic wars produced a situation where the efficiency that had been developed was also a key factor in peacetime survival, and the state had to take the lead in responding to continuing social unrest. There were also broader implications for social control as the government became involved in such activities as church building (especially in the new industrial areas), early public health legislation and the reform of the Poor Law. The Utilitarian views of Jeremy Bentham had long been slowly influencing government, and the necessity of acting for the greatest good of the greatest number was slowly being accepted. What had been local issues dealt with voluntarily would thus sometimes become matters of national concern.

The implications of implementing the new ideas implicit in Utilitarian philosophy are examined in Chapter 2 in conjunction with the role of magistrates and the men who fulfilled that office. Any discussion of the role of Justices of the Peace must touch on major debates such as the nature of politics, the relationship between rulers and those who govern, and images of authority. Such themes are thoroughly discussed in Norma Landau's book *the Justice of the Peace*,<sup>3</sup> and although much of her work is based on studies carried out in Kentish archives, she includes a great deal that is also relevant to Essex. Her assessment of Kentish magistrates' family backgrounds and careers provided a starting point for my comparable work on Essex JPs which will be

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<sup>3</sup> Norma Landau, *The Justice of the Peace 1679-1760*, (University of California Press, 1982). [Hereafter Landau].



found in Chapter 2 of this thesis. Her division of JPs into 'patriarchal' and 'patrician' models<sup>4</sup> is a particularly useful way of drawing attention to the increasing professionalism of magistrates which began in the eighteenth century, and will be shown in Chapter 2 to have been well advanced by the 1840s. David Eastwood's *Governing Rural England*<sup>5</sup> draws on a range of local and national sources to illustrate how local government was structured and operated from 1780-1840. Although most of his original research used Oxfordshire archives, the book relates well to what was happening nationally and in Essex, and again proved useful in my comparative studies of magistrates.

Using a variety of local and national archives which will be discussed in detail later, this thesis adopts the 'history from below' approach propounded by E P Thompson<sup>6</sup>. Case studies will be used to explore how the precursors to the new police operated in a number of Essex communities. These studies will show that within the latitude allowed by the passing of legislation, ordinary people still retained a considerable degree of control over the ways in which their respective communities were policed, and opted in or out of policing schemes according to local decision making. The original material in Chapter 2 is mainly concerned with magistrates and their relationship with constables. Chapter 3 includes a series of case studies about policing before 1839, and this is chronologically developed in Chapter 4 to include the establishment of the county police. Chapter 5 examines how the force operated initially and how it liaised with parish constables, while Chapter 6 focuses on the constables who operated in boroughs both before and after the 1835 Municipal

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<sup>4</sup> Ibid. p 360.

<sup>5</sup> David Eastwood, *Governing Rural England: Tradition and Transformation in Local Government, 1780-1840*, (Oxford, Clarendon Press, 1994).

<sup>6</sup> Thompson p 12-13.



Corporations Act.

In challenging some of the negative stereotypes that all petty constables were ineffective and of the lower classes, this thesis extends the new understanding of both watchmen and parish constables that is developed in the seminal work of David Philips and Robert Storch, *Policing Provincial England 1829-1856*.<sup>7</sup> But first we will look to literature and focus on some of the characters who helped to create the stereotype of parish constables as ineffective and inefficient, and follow that with a brief over-view of the county of Essex and its archives.

### ***Constables as Literary Stereotypes***

Literature provides some well-known examples of constables who have become stereotypes. Shakespeare's characters of Dogberry the headborough and constable Verges, for example, came to represent how the earliest police historians perceived the constables they were describing<sup>8</sup>. Victorian stereotypes were often based on a character such as Charles Dickens' Mr Bumble the beadle, whom one imagines to have been a ponderous figure like the real-life Richard Clay of Chelmsford depicted elsewhere in this thesis<sup>9</sup>. Sometimes the roles of constable and beadle were combined in one individual, as at Halstead<sup>10</sup>. Until comparatively recently such

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<sup>7</sup> David Philips & Robert Storch, *Policing Provincial England 1829-1856*, (Leicester University Press, 1999). [Hereafter P & S.]

<sup>8</sup> The role of Dogberry was first performed by Will Kempe, a leading comic actor of the 1590s, who danced through Essex in 1591 on his way from London to Norwich. 'Much Ado about Nothing' was frequently performed in the nineteenth century, and was part of the repertoire of Covent Garden in 1836. In other words, the play was being performed at the same time as Chadwick's Select Committee was undertaking its questionnaires about constables (and in many areas they were synonymous with headboroughs). It may have been another peripheral influence on people who had seen the comic character of Dogberry on the stage, helping to epitomise the character as a bad constable. William Shakespeare, *Much Ado about Nothing*, edited by AR Humphreys, (Arden edition, Routledge, 1981).

<sup>9</sup> Richard Clay may have followed his father in becoming beadle of Chelmsford, as a man named Isaac Clay held the same office between at least 1800 and 1806. In April 1806 Isaac Clay was being paid £6 a year and provided with a free cocked hat and greatcoat. He also had four guineas extra for being inspector of nuisances. Hilda Grieve, *The Sleepers and the Shadows*, Vol. 2, (Essex County Council 1994), pp 255, 267.

<sup>10</sup> See Chapter 3.



Victorian stereotypes often governed historians' perceptions of local constables, although Clive Emsley has wisely warned of the need to exercise care in using such literary evidence. Emsley suggests such fictional characters are best left as literary creations.<sup>11</sup>

Perhaps the police characters created by Dickens - a journalist and novelist - may be exempt from Emsley's warning, as many of them were a blend of fact and fiction. Dickens considered that most aspects of his police stories were factual '... we beg to repeat that ... our description is as exact as we can make it'.<sup>12</sup> Many of his literary policemen were based on thinly-disguised members of the Metropolitan Police who had been embellished by Dickens, perhaps because of the 'boyish hero worship' he was known to feel.<sup>13</sup> Inspector Charles Frederick Field, for example, was widely believed to have been the model for Inspector Bucket in *Bleak House*, although according to his friend George Sala, Dickens himself seems to have denied it, albeit in a somewhat ambiguous manner.<sup>14</sup> Field appeared as himself in some of Dickens' articles, such as 'On Duty with Inspector Field' which was first published in *Household Words*.<sup>15</sup> In 1839 Inspector Field, then stationed at Lambeth, wrote to the *Chelmsford Chronicle* appealing for the family of a seventeen-year-old girl from Springfield to contact him. The girl had been sent into Chelmsford on an errand, but had been tricked into travelling to London with a strange woman who had then abandoned her, leaving her in a very distressed state and without money. Field's letter described his care for the girl; he had made her coffee and given her supper before escorting her to

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<sup>11</sup> Clive Emsley, *The English Police*, (Harvester Wheatsheaf, 1991), p 9. [Hereafter Emsley, *English Police*].

<sup>12</sup> William Long, 'The "Singer Stories" of Inspector Field', in *The Dickensian*, (1986-7), Vol. 83, p 147.

<sup>13</sup> Philip Collins, *Dickens and Crime*, (Macmillan, 1965), pp 206-7.

<sup>14</sup> *Ibid.* p 206.

<sup>15</sup> *Household Words* 14 June 1851. Charles Field joined the Metropolitan Police in 1829 and was promoted to inspector in 1833. He retired as chief of the detective department in 1852.



stay in the Lambeth workhouse while he traced her family. In a piece of journalism that might have been written by Dickens himself, the *Chelmsford Chronicle* reported how the girl's sick father travelled to London to be reunited with his daughter, making many expressions of gratitude to Inspector Field for his kindness.<sup>16</sup>

Dickens usually put a positive slant on the professional police and exaggerated the defects of parish constables, and police historians of the mid-twentieth century also invariably portrayed them in a negative light. This probably resulted from the effects of literary stereotypes, together with negative impressions gained from the published report of the Select Committee on Policing (1836-39), of which Chadwick was one of the prime movers. Chapter 4 will discuss some of the Essex responses to the questionnaires sent out by the Select Committee, most of which did not appear in the published report. However, it is well-known that Chadwick deliberately chose all the most negative comments about parish constables that he could find in order to support his own political wish to have a centralised police force.

### ***Essex: the County and its Archives***

Essex has been fortunate in its historians. From the Rev. Philip Morant's two-volume antiquarian history of each parish chronicling its manors and landed gentry<sup>17</sup>, to the detailed parish histories still being prepared as part of the monumental *Victoria County History of Essex* project, there is at least something in print about most of the ancient parishes of the county.<sup>18</sup> Geographically Essex is a county of contrasts, and although often decried for being flat and uninteresting, it has high land in the north

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<sup>16</sup> *Chelmsford Chronicle* 19 April 1839.

<sup>17</sup> Philip Morant, *The History and Antiquities of the County of Essex*, (Chelmsford, 1760-68).

<sup>18</sup> While the VCH has so far published ten volumes on various districts of Essex, the present financial climate makes it increasingly unlikely that the whole county will ever be covered.



and west and a 'widespread hilliness' throughout the rest.<sup>19</sup> A good main road right across the county from London to Colchester and beyond owes its origins to intense Roman colonisation. Most of that road and the other major roads were turnpiked in the early eighteenth century.<sup>20</sup> Some of the minor roads, however, were clearly not up to such a standard by 1769 since in 1769 Arthur Young could write:

Of all the cursed roads that ever disgraced this kingdom none ever equalled that from Billericay to Tilbury. It is for 12 miles so narrow that a mouse cannot pass by any carriage ... [and] the ruts are of incredible depth.<sup>21</sup>

Much of the arable and pasture had been enclosed directly from the ancient forest of Essex, and by the end of the eighteenth century the bulk of the remaining land - apart from open fields in the Saffron Walden area - was being steadily enclosed by private Acts of Parliament. By 1784 Arthur Young could describe Essex as 'one of the finest and richest counties in the kingdom'.<sup>22</sup> Proximity to London and maritime outlets for coastal trade were natural advantages to the county which is almost surrounded by water; the River Stour and North Sea in the north and east, the Rivers Stort and Thames estuary in the west and south.<sup>23</sup> Until very recently the coastline was remote and thinly populated, and an ideal area for smuggling. It is no coincidence that Chief Constable McHardy's Coast Guard experiences prompted him to deploy two county constables to the remote community on Foulness Island as early as December 1840.<sup>24</sup>

As well as agriculture Essex also had its own cloth industry. Some of its success was due to the Dutch religious refugees of the sixteenth-century, who set up

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<sup>19</sup> A C Edwards, *History of Essex*, (Phillimore, 5th edition 1994), p 13.

<sup>20</sup> Ibid. p 96.

<sup>21</sup> Quoted on p 7 of Arthur Cooke, 'The Magistrates of the Rochford Hundred 1750-1850,' (Essex University unpublished MA, 1996).

<sup>22</sup> Quoted on p 4 of Colin Shrimpton, 'The Landed Society and the Farming Community of Essex from the late 18th to the early 19th century,' (Cambridge University unpublished PhD), 1965.

<sup>23</sup> The boundaries of the county's Hundreds, an ancient administrative area which continued to influence the nineteenth-century petty sessions districts and other boundaries, are shown in Map 1.

<sup>24</sup> ERO Q/APr 1.



manufacturing processes in Colchester and nearby towns such as Coggeshall, Braintree and Halstead. The cloth industry eventually declined in the eighteenth century, causing unemployment in the county and a change of focus for some of the merchants who had directed it. Families such as Savill, Rebow, and Ruggles-Brise eventually moved into farming, quickly acquiring their own estates and re-establishing themselves as respected county land-owning families, many of whom became Justices of the Peace.

The growth of county record offices, and the increasing interests in investigating 'history from below', has led to wider usage of local historical records. Since its establishment in 1938 the Essex Record Office (ERO) has acquired and catalogued most of the county's parish records, estate and family archives and court records, making them easily available to researchers. The existence and accessibility of large quantities of quarter sessions and petty sessions records have attracted historians of crime, some of whom have based their doctoral theses and subsequent post-doctoral research on these resources. Peter King<sup>25</sup> and James Sharpe<sup>26</sup> are two distinguished examples.

Until the mid-twentieth century references to constables in printed works were mainly limited to chapters in books such as W E Tate's *The Parish Chest*, first published in 1946.<sup>27</sup> This provides extracts of parish documents from the sixteenth to the nineteenth centuries, legal discussions about the origins of the office of constable, and examples of legal theories. While he includes a few transcripts of constables' accounts they are often restricted to entries about poor relief and the whipping of

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<sup>25</sup> Peter King, 'Crime, Law and Society in Essex 1740-1820,' (unpublished doctoral thesis, University of Cambridge, 1984).

<sup>26</sup> James A Sharpe, 'Crime in the County of Essex, 1620-1680: A study of Offences and Offenders at the Assizes and Quarter Sessions,' (unpublished DPhil, University of Oxford, 1979).

<sup>27</sup> W E Tate, *The Parish Chest: A Study of the Records of Parochial Administration in England*, (first edition of 1946 reprint edition by Phillimore, 1983).



vagrants.

David Phillips and Robert Storch have pointed out that more is known about Tudor and Stuart constables, than how parish constables operated on the eve of their decline.<sup>28</sup> Although F G Emmison<sup>29</sup> provided transcripts of Elizabethan documents, many of which related to constables, more detailed studies are included in Joan Kent's *The English Village Constable 1580-1642*, (Oxford, 1986), and two works by James Sharpe<sup>30</sup>. His *Crime in Seventeenth-Century England* is the published version of his DPhil thesis<sup>31</sup> which focuses on Essex more significantly than his *Crime in Early Modern England, 1550-1750*. Other Essex-based books dealing with crime before the nineteenth century are Joel Samaha's, *Law and Order in Historical Perspective: The Case of Elizabethan Essex*,<sup>32</sup> and Richard Dean Smith's, *The Middling Sort and the Politics of Social Reformation: Colchester 1570-1640*.<sup>33</sup> Smith's work will be examined in more detail in Chapter 6 where it has provided useful background information for the study of early borough policing in Colchester.

Although Peter King's doctoral thesis<sup>34</sup> used mainly Essex resources, he has recently developed and expanded that area of research into his *Crime, Justice and Discretion in England 1740-1820*,<sup>35</sup> which also uses material from other counties. King's work focuses on property crime and shows, by detailed analyses of pre-trial

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<sup>28</sup> P & S p 11.

<sup>29</sup> F G Emmison, *Elizabethan Life, Disorder: mainly from Essex Quarter Sessions and Assize Records*, (Essex Record Office, 1970).

<sup>30</sup> James Sharpe, *Crime in Seventeenth-Century England: A County Study*, (Cambridge University Press, 1983); and *Crime in Early Modern England 1550-1750*, (Longmans, 1987).

<sup>31</sup> James A Sharpe, 'Crime in the County of Essex, 1620-1680: A study of Offences and Offenders at the Assizes and Quarter Sessions,' (unpublished DPhil, University of Oxford, 1979).

<sup>32</sup> Joel Samaha, *Law & Order in Historical Perspective: The Case of Elizabethan Essex*, (Academic Press, 1974).

<sup>33</sup> Richard Dean Smith, *The Middling Sort and the Politics of Social Reformation: Colchester 1570-1640*, (New York, Peter Lang, 2004).

<sup>34</sup> Peter King, 'Crime, Law and Society in Essex 1740-1820,' (unpublished doctoral thesis, University of Cambridge, 1984).

<sup>35</sup> Peter King, *Crime, Justice and Discretion*, (Cambridge University Press, 2000).



reports of victims, magistrates and parish constables, the amount of discretion the legal system allowed, and the comparatively small number of prosecutions which eventually resulted. The study of court records in Tendring in Chapter 5 of this thesis extends King's work slightly.

Having briefly discussed the Essex archives available to historians of crime and policing, and how some detailed studies have been made using those records, reference will now be made to some of the more general published histories of policing. Until comparatively recently police history was largely informed by a Whiggish perspective which saw legal, police and prison developments as following a 'generally enlightened humanitarian and progressive trajectory.'<sup>36</sup> Some of the non-professional police historians of the early twentieth century considered that policing developed naturally from the operational structure established by the early Metropolitan Police. Captain W L Melville Lee, for example, was a retired army officer who published his history of police in 1901<sup>37</sup>. Charles Reith, another retired soldier, wrote a number of books between the 1930s and 1950s about policing from the Whig perspective, and his books were also cited by retired Home Office official T A Critchley, whose *History of Policing in England and Wales from 900-1966* was first published in 1967.<sup>38</sup> In addition, Sir Leon Radzinowicz devoted substantial sections on policing in two out of the five volumes of his wide-ranging history of criminal law.<sup>39</sup>

In general terms, most of the histories of policing discussed earlier regarded law enforcement officers such as constables and watchmen in London as ineffective

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<sup>36</sup> Clive Emsley, 'Filling in, adding up, moving on: Criminal Justice History in Contemporary Britain', in *Crime, History & Societies*, 2005, Vol. 9, no. 1, pp 117-138.

<sup>37</sup> W Melville Lee, *A History of Police in England*, (London, 1901).

<sup>38</sup> T A Critchley, *A History of Police in England and Wales 900-1966*, (Constable, 1967). Charles Reith, *The Police Idea: Its History and Evolution in England in the Eighteenth Century and After*, (London, 1938); *A Short History of the British Police*, (London, 1948); *A New Study of Police History*, (London, 1956).

<sup>39</sup> Leon Radzinowicz, *A History of English Criminal Law* (5 vols.), (London, Stevens, 1948-86).



before 1829.<sup>40</sup> The stereotyped impression was that of a part-time constable and an elderly and corrupt watchman who did little else but call out the hours. However, some of the more recent research on London before the Metropolitan Police has drawn attention to the surprising competence of law enforcement bodies - such as parish constables and watchmen. Ruth Paley, for example, has written about the ways in which watchmen were already being reformed before 1829. In her *Before the Bobbies* Elaine Reynolds draws attention to ways in which the established system had been adapting over a long period to new circumstances and expectations, and shows how the City of London's institutions played an effective administrative role in supervising the paid constables who were policing London well before the start of the Metropolitan Police. Reynolds concluded that there was a significant continuity between the old methods of policing and the new in London after 1829.<sup>41</sup> It will be shown later that there was continuity between old and new police in Essex also.

One of the first academic studies of policing outside London was Carolyn Steedman's *Policing the Victorian Community*,<sup>42</sup> which discusses the compulsory forces established under the 1856 County and Borough Police Act; Essex is one of the county forces upon which she focuses. While the 1856 Act introduced new police theories and methods of working, Steedman argues that the fundamental nature of those changes could too easily be overlooked if the Act was seen simply as an extension to the voluntary legislation of 1839-40. Her Marxist 'deterministic' interpretation predisposes her to see the 1856 Act as the logical development of the 'voluntary' legislation. The provision of government inspectors in the 1856 Act is also

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<sup>40</sup> Ruth Paley, ' "An imperfect, inadequate and wretched system"? Policing London before Peel', in *Criminal Justice History*, Vol. X, (1989), pp 95-113.

<sup>41</sup> Elaine Reynolds, *Before the Bobbies*, (Macmillan, 1998).

<sup>42</sup> Carolyn Steedman, *Policing the Victorian Community, 1856-1880*, (Routledge & Kegan Paul, 1988). [Hereafter Steedman].



viewed by her as implying a long-term government strategy in this area.

In his evidence to the Select Committee which preceded the 1856 Act, and also in various newspaper reports, the Chief Constable of Essex, JBB McHardy, frequently complained about the lack of proper co-operation between county and borough forces. McHardy believed amalgamation of borough and county forces would save money and improve efficiency, and he did his best over a long period to encourage the four Essex watch committees to link up with the county force. As the 1856 Bill was passing through Parliament the *Essex Standard* of 21 March 1856 raised the question of amalgamation for Saffron Walden. Using as a pen name 'A sufferer from local mismanagement', the writer of a letter to that newspaper complained that the mayor and corporation of Saffron Walden had held a 'snug meeting' to petition against the proposed Act, despite knowing that most of the burgesses were in favour of it. The writer tartly described the borough force as consisting of two policemen and a beadle 'who is generally employed in distributing circulars for tradesmen and others in the town, and who is never seen beyond the precincts of the gas lights'.<sup>43</sup>

Although McHardy was rebuffed on several occasions, Harwich and Saffron Walden were eventually amalgamated with the county force by 1857. While the 1856 Act allowed the wider provision of police stations and charge rooms which were to be examined by government inspectors trying to judge a force's eligibility for a grant, it also established the framework of a career path for police officers as well as increasing their responsibilities.

Although they were not strictly parish constables, B J Davey has, thanks to the survival of a seemingly unique series of records, chronicled the workings of

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<sup>43</sup> *Essex Standard* 21 March 1856.



constables appointed under the 1833 Lighting and Watching Act at Horncastle in Lincolnshire.<sup>44</sup> Davey's book, has however, provided me with a useful comparison with the Essex parishes discussed in Chapter 3 which operated their police under the Lighting and Watching Acts. David Taylor's *The New Police in Nineteenth-Century England* also has some useful statistical details about men recruited into various county and borough forces, and information about the various force sizes.<sup>45</sup>

A recent academic study already mentioned and of direct relevance to this thesis is *Policing Provincial England* by David Philips and Robert Storch.<sup>46</sup> The original hypothesis for this thesis and my initial research preceded the publication of Philips and Storch's book by about four years. Initially I set out to investigate how parish constables operated in the decades before the new police were established, and to see how things changed when the county force was set up. This developed into trying to establish what sort of men became constables, and whether the role ran in families. Philips and Storch draw on material from county and borough forces outside London to trace the emergence of new structures for law enforcement, and the maintenance of order in rural areas. Their book reveals something of the complex negotiations involved in restructuring the policing of counties, and the protracted nature of the discussions between London-based intellectuals, national governing classes, provincial ruling classes and parish elites. They show how the provincial ruling class feared the loss of local political authority, and how the debates on possible changes to rural police were affected by other changes in the shape of local government and the role of JPs. The authors disproved the previous assumption that

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<sup>44</sup> B J Davey, *Lawless and Immoral: Policing a Country Town 1838-1857*, (Leicester University Press, 1983).

<sup>45</sup> David Taylor, *The New Police In Nineteenth-Century England*, (Manchester University Press, 1997), pp 148 & 158.

<sup>46</sup> David Philips & Robert Storch, *Policing Provincial England*, (Leicester University Press, 1999).



after the 1839 Police Act counties opted either for continuing and revising the old parish constable system or for adopting the new police. They also draw attention to one of the reasons that parish constables were being subjected to greater criticism after 1836, namely that an administrative ruling from the Poor Law Commission made it illegal for constables to be paid out of the poor rates. There are many references to this severe restriction in the original returns submitted by parishes to the commissioners, but many of the returns are not acknowledged in Chadwick's report of the Commission as he, of course, wanted a national police force.

Phillips and Storch eventually concluded that the old parish constable system was not nearly so hopeless as the proponents of county forces made out. Presentation counted for much, and even Dickens (as a contemporary authority), whilst presenting his own negative slant on the Old Bow Street Police, made it plain that other voices could choose to ensure they were 'continually puffed'.<sup>47</sup> Clearly, the older policing systems lost the propaganda battle. But it was not all just words, and Philips and Storch concluded that the County Police Acts of 1839 and 1840 constituted the foundation of English provincial policing, and that the Acts were major consequences of the landed class rethinking its strategy for provincial order keeping.<sup>48</sup> They also make the very significant point that the cost of policing was of greater concern to the majority of people than subtle issues like central control. That conclusion is also strongly supported by my own research.

### ***Original Sources***

This thesis is primarily a local study, and most of the core sources such as parish records, quarter sessions and petty sessions records are easily accessible in the

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<sup>47</sup> Charles Dickens, 'A Detective Police Party 1', in Michael Slater (ed.), *Dickens' Journalism*, Vol. 2, (Dent, 1996), pp 266-7.

<sup>48</sup> P & S p 164.



Essex Record Office at its Chelmsford and Colchester branches; the same is also true of the borough records of Colchester and Maldon. However, the present-day town councils of Harwich and Saffron Walden still retain most of their own archives, which meant numerous visits to each borough to examine documents. The case study of Walthamstow involved a number of visits to its Vestry House Museum, which was once, rather appropriately, the police station.

The historic county of Essex in the nineteenth century contained almost 400 ecclesiastical parishes. As one of the first objectives of the thesis was to identify a number of petty constables in different sorts of communities, it was important to find parishes with suitable surviving records. A survey of peace officers made by the Clerk of the Peace on behalf of the Home Office in 1832 provided a starting point. The survey included numbers and ages of peace officers in each community, with indications as to whether or not they were active and who had appointed them, i.e. parish, manor or under the Lighting and Watching Acts. A preliminary list of communities policed under various schemes in different areas of the county was drawn up, and checks were made as to the existence of suitable archives such as manorial court records and constables' accounts. The selected parishes had to be revised on several occasions, for example when suitable documents could not be traced; but to allow some comparisons to be made, attempts were made to find at least two communities in different areas which were being policed by manor or parish or under the Lighting and Watching Act, or as I sometimes found, a combination of all three at different times. Parishes then in the ancient county, but now in London boroughs, were represented by Walthamstow, which had a subscription police force but subsequently adopted the Lighting and Watching Act of 1830. Until then it was not appreciated quite how flexible such classifications were, as it was found that some



communities opted in and out of particular policing schemes according to changes in legislation and the choices of local ratepayers.

The country town of Halstead, in north Essex, was selected to provide some contrast, with its adoption of the 1830 Lighting and Watching Act, and also its relatively rural location. In Writtle and Springfield policing operated under a mixture of courts leet and parish government, but Springfield was deliberately chosen as a case study because of the survival of its constables' accounts for part of the Napoleonic War years. As well as having its constables appointed by a leet, Writtle was also a Royal peculiar. It had been intended to use Writtle as a comparative study with the Liberty and Peculiar of Havering - in the ancient county but now a London borough. However time constraints and difficulties in tracing suitable manorial records forced a change in direction. Because borough forces were exempt from county administration they do not appear in the 1832 survey of peace officers, but in addition to the communities previously described, it was decided to make a parallel study of borough policing in the four ancient Essex boroughs both before and after the Municipal Corporations Act of 1835. While all four boroughs had some surviving watch committee records post-1835, the small number of documents which survived from before 1835 was disappointing.

In their article 'Prosecution and the Police in England since 1700', Emsley and Storch observe that local studies are needed to show how and when police took over the bulk of prosecutions during the nineteenth century.<sup>49</sup> In this thesis, however, a decision was taken early on not to try judging constables' effectiveness through court prosecutions at quarter sessions or assizes. One or two cases have been mentioned

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<sup>49</sup> Clive Emsley & Robert Storch, 'Prosecution & the Police since 1700', in *Bulletin of the International Association for the History of Crime and Criminal Justice*, (Summer 1993), pp 45-57.



which illustrate something specific though - for example, a rape case mentioned in Chapter 5 which shows how a parish constable and a police constable worked together, even though no prosecution resulted. Most prosecutions continued to be initiated by either the aggrieved parties or by magistrates, and if a parish constable was involved it was normally as a witness. Such a witness, moreover, was usually identified by his 'day job' rather than as parish constable. It will be shown in Chapter 3, for example, that when Elisha Barnes, a parish constable of Springfield in 1840, swore an information about a theft, he was described as a 'baker' rather than a constable.<sup>50</sup>

Having selected suitable communities with appropriate records, attempts were made to identify the constables who were only identified by age in the 1832 survey of peace officers. Nominal record linkage was then used to find the individuals, their status and family structures from, for example, parish records, baptismal records, overseers' accounts, local rate books, manorial records and trade directories. The first national census was in 1801, but it only recorded the total numbers of people. Although names were included for the first time in 1831 it was only the name of the head of each household. The 1841 census enumerators' records listed all names and the exact ages of children, but only recorded adults' ages in five-year blocks. Census records were therefore only really helpful from 1851 onwards, when they included names of all members of a household, their relationships to the head, places of birth and accurate ages.

Because of the dates covered by this thesis most of the documents that were used for nominal record linkage were parish or manorial records, so it was often difficult to conclude with certainty whether constables were related, partly because of

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<sup>50</sup> ERO P/CP 54.



the common practice of using the same Christian names in successive generations of the same families. Circumstantial evidence suggests, however, that a significant number of constables in some parishes were related, and that it was quite usual for the office of constable to run in certain families.

### ***Theoretical Perspectives***

The perceived need for improved policing can be traced back to the eighteenth century which witnessed the creation of much new wealth from colonial trade and the capital created by the first generation of industrial entrepreneurs. The long conflict with France had forced government to become more efficient, and London was eventually financing both British and allied armies in Europe. The ultimate victory at Waterloo was the final proof that the UK had become what John Brewer described as one of the most efficient 'fiscal military' states in Europe.<sup>51</sup> While war had shown that corruption worked against the national interest, and steps had been taken against this; peace encouraged demands for the state to roll back its direct intervention in the nation's life. There was strong support for retrenchment combined with an even greater need for efficiency. While it was largely the same class of people controlling expenditure, they now viewed the situation from different perspectives, this shift being one to which Patrick Colquhoun drew attention.<sup>52</sup> With his capitalist mindset, Colquhoun argued that the market economy needed to defend itself against the 'depredations' of the criminal classes, and that the organisations which carried out that defence should be funded by the commercial interests that needed protection. He had, in effect, conceived the structure of preventive policing, although the Fielding brothers are usually given the credit of putting such concepts into practice.

<sup>51</sup> Quoted on p 44 of Philip Harling & Peter Mandler, 'From "Fiscal-Military" State to Laissez-faire State, 1760-1850', in *Journal of British Studies*, 32, (January 1993), pp 44-70.

<sup>52</sup> Patrick Colquhoun, *A Treatise on the Police of the Metropolis*, (London, 1796).



The writings of Colquhoun have fed into a body of theory into which policing itself can also be expressed, although it has been suggested that almost any theory can be 'proved' by marshalling a range of instances to fit a desired pattern.<sup>53</sup> Indeed, some historians completely reject the use of historical theory on the grounds that while there may be patterns and regularities, they are not accessible to disciplined enquiry.<sup>54</sup> However, the writing of history without a theoretical perspective is little more than antiquarianism, so having discussed some of the themes and sources of this thesis, it is now necessary to consider in more detail some relevant theoretical perspectives.

The word 'police' derives from France where it meant 'control of all activity, all dimensions of experience deemed properly subject to public authority...'<sup>55</sup> By the late eighteenth century, however, French lexicographers were using the word police in a more specific way to mean the regulation of an urban area, and it is that interpretation which entered the English language.<sup>56</sup> It has been argued that a professional police was needed in the late eighteenth century by the developing industrial society of England, to support its ruling classes and discipline the new industrial workers.<sup>57</sup> Although Foucault provides some of the theories associated with social control, Mark Neocleous has recently focused directly on the British experience, and provided a more holistic view of state control and its relevance to policing.<sup>58</sup>

In his *Fabrication of Social Order* Neocleous draws attention to the 'quintessentially modern' use of the term 'police,' which has often restricted discussion of policing to an agency concerned only with law enforcement and the

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<sup>53</sup> John Tosh, *The Pursuit of History*, (Longman, 2nd edn., 1991), p 156.

<sup>54</sup> Ibid.

<sup>55</sup> Elaine Reynolds, *Before the Bobbies*, (Macmillan, 1998), p 1.

<sup>56</sup> Ibid.

<sup>57</sup> Emsley, *English Police*, p 4.

<sup>58</sup> Mark Neocleous, *The Fabrication of Social Order*, (Pluto Press, 2000).



apprehension of criminals. However, he does explore the much broader relevance to policing in the writings of Bentham, Colquhoun and Foucault. Bentham's Utilitarian philosophy and its stress on the greatest good for the greatest number, implied a proactive role for government, and thus helped to establish what is recognisable as the modern state. This shift certainly occurred at the same time as a post Peterloo theory of policing may have been evolving that envisaged order being imposed with minimum force.

Neocleous gives considerable weight to Colquhoun's policing theories, and suggests that as he saw the barbarous criminal code of the time as failing to prevent crime, he imagined it would be better to establish a system that had a certainty of conviction and a choice of punishments.<sup>59</sup> While this was certainly in keeping with the more humanitarian ideas of the Enlightenment, Neocleous shows that Colquhoun moved the argument further by his emphasis on crime prevention as the key factor. It was not a new argument, as Neocleous acknowledges, but he stresses that Colquhoun envisaged a 'uniform and centralised system'<sup>60</sup> that kept records of the criminal classes, but also had an holistic perspective since poverty was seen as relevant to crime prevention. Colquhoun fine-tuned the argument by stressing that although poverty in itself was an essential part of capitalist wealth creation, as criminals were drawn from the indigent, i.e. those who would not work to escape from poverty.<sup>61</sup>

Neocleous has thus expanded on the insights of Foucault by arguing through the economic dimension to support a general thesis that the needs of the state define and inspire all forms of social control. He also argues that the economy itself is a form

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<sup>59</sup> Ibid. p 49.

<sup>60</sup> Ibid. p 50.

<sup>61</sup> Ibid. p 53.



of social control, since accepting wages put the worker within the control of the system. The growth of a capitalist economy was dependent on a high level of law and order, and the needs of commerce demanded efficient policing. The Enlightenment philosophy of the period supported the idea of a preventive police, because it was clearly more humane to stop crime in advance rather than merely catching and hanging the perpetrators afterwards. At the same time, the French Revolution and the insights and fears that it brought the governing classes about 'people power', encouraged a mindset that would have seen controlling the masses as crucial to state control. One of the ways in which such control could be achieved was clearly through a centralised police force, but whether such a force should be centred on a county or be one covering the whole country, was also the subject of much nineteenth century debate between those who wanted to update the parish constable system and those who wanted a centralised county force. But for all the theorising, it is clear from the Essex case studies in this thesis that finance was still one of the main considerations for the practical men who decided such issues.

One account of how police forces were involved in social control is discussed by Robert Storch in his article 'The Policemen as domestic missionary', in which he considers the broader mission of police in the nineteenth century as an all-purpose lever of urban discipline and social control.<sup>62</sup> Using the records of forces in some northern industrial towns, Storch shows how the police brought state authority to key institutions of working class life.<sup>63</sup> By carrying out surveillance of working class venues such as public houses and beer shops, the police were actively involved in trying to control the new industrial workers by educating them into good working and leisure

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<sup>62</sup> Robert Storch, 'The Policeman as a Domestic Missionary: Urban Discipline and Popular Culture in Northern England 1850-1880', in *Journal of Social History*, Vol. 9, no. 4 (1976), p 481-509.

<sup>63</sup> *Ibid.*



practices. It will be shown later that some of the earliest activities of the county force in Essex centred round regulating licensed premises and fairs (see Chapter 5), and it will be argued that this implies a similar mindset on the part of authority.

John Saville, in his *Consolidation of the Capitalist State*, observes that persuading labouring factory workers to adapt to the requirements of the factory system was neither easy nor straightforward, as they often found it hard to reconcile their traditional recreations such as fairs, cock fighting, boxing and football with working long hours in factories.<sup>64</sup> Controls were necessary to ensure that their masters' work was carried out, and those refusing to conform had a choice between crime, starving or, after 1834, entering the union workhouse. Reference will be made in Chapter 5 to the number of summonses heard by the JPs of Tendring for theft of the Guardians' property, and this suggests the likely mindset of the inmates. Informations in most of those cases were laid by the workhouse master rather than a parish constable. Saville considers the Master and Servants' Law of 1823 as the last stage of the penal laws in the long history of disciplining labour,<sup>65</sup> before control took different forms.

If police officers were partly responsible for controlling working class society, they themselves were subject to personal restrictions and control emanating from both national and local influences. The new county force was administered by a three-way 'partnership scheme' comprising magistrates, Home Secretary and the first Chief Constable John McHardy. He directed the force on a day-to-day basis (with due regard for cost), and also formulated the first rule book setting out what was expected of the men of the new force both on and off duty. They did not, for example, own their

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<sup>64</sup> John Saville, *Consolidation of the Capitalist State, 1800-1850*, (Pluto Press, 1994), p 16.

<sup>65</sup> *Ibid.* p 21.



own uniforms, and resignation or dismissal obliged them to hand in their uniform and pay five shillings to have it altered for the next man.<sup>66</sup> Many forces required their men to be single so they could live in police barracks where they were always on call. Chief Constable McHardy wanted to adopt such a system in Essex, although realistically it could only be imposed while the men were under training in the police headquarters at Old Court in Chelmsford. However, once they were deployed to rural areas those who could not be accommodated in the stations built after 1857 sometimes lived in shared accommodation, which meant they were constantly under observation by a senior officer (sergeants were not introduced until 1854).<sup>67</sup>

In the early days of the county force McHardy drew heavily on his previous experience in the Coast Guard and also borrowed a number of practical ideas from the Metropolitan Police.<sup>68</sup> Such were his management skills and abilities that he was soon making proposals at government level, was consulted by other county forces, and also gave evidence to various select committees. In 1857, for example, Buckinghamshire magistrates spoke of McHardy as one 'whose opinion was received with greatest deference by government'.<sup>69</sup> McHardy's system of probation and training for officers and men was much admired, and from the early years of the county force some of his men moved to positions of responsibility in other forces.<sup>70</sup> Indeed, only a decade after its creation the *Chelmsford Chronicle* could boast of the Essex

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<sup>66</sup> Maureen Scollan, *Sworn to Serve: Police in Essex 1840-1990*, (Phillimore, 1993), p 15. [Hereafter Scollan].

<sup>67</sup> Ibid.

<sup>68</sup> For an examination of how McHardy used his previous career experiences see Maureen Scollan, 'Under the Influence?' in *Essex Harvest: Essays in Memory of Arthur Brown*, (Essex Record Office, 2003), pp 33-45.

<sup>69</sup> Steedman p 170.

<sup>70</sup> Long after county forces had become compulsory in 1857, the Chief Constable of North Riding remembered there being a call for experienced policemen to assist in the formation of new forces. He had availed himself of McHardy's kindness, and three Essex officers agreed to transfer to Yorkshire. Steedman p 22.



Constabulary as a 'nursery for policemen.'<sup>71</sup>

References to theories about central control and power form a continuing thread through this thesis. Many of the debates about the need for a paid police reveal some of the concerns of the county gentry who were JPs about the problem of centralisation. However Steedman has pointed out that this could be county centralisation rather than the national centralisation implicit in the demands for county forces or, in Chadwick's case, a national police force.<sup>72</sup>

Edwin Chadwick was a fervent disciple and one-time secretary of Jeremy Bentham, and there is circumstantial evidence to suggest that Bentham's ideas - through his disciple James Mill - may have influenced the thinking of at least some of the Essex magistrates. The fact that a man named Jeremiah Bentham appears in a 1782 list of Essex JPs suggests that Jeremy Bentham's father was almost certainly a local magistrate, and this may have been another point of influence. It will also be shown that Edwin Chadwick had Essex associations. There are letters which suggest - albeit obliquely - that he visited Chief Constable McHardy in Chelmsford, while in 1852 he signed the visitors' book at Tiptree Hall Farm, home to a businessman and farmer named John Joseph Mechi.<sup>73</sup>

Chadwick, as one of Bentham's followers, had strong views about the need for a national police force under central control, and also had a major influence on the ways in which Victorian society sought to supervise its poor. It is interesting to find evidence that McHardy and Chadwick were on friendly terms, and although it is circumstantial evidence, one can conclude with some confidence that they were friends. On 3 December 1846 McHardy sent Chadwick, for interest, a copy of a case

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<sup>71</sup> *Chelmsford Chronicle* 18 June 1850.

<sup>72</sup> Steedman p 175.

<sup>73</sup> ERO T/A 408.



the Essex force had submitted to the Solicitor-General. In the accompanying letter McHardy referred to Chadwick's 'past kindness to me.'<sup>74</sup> Chadwick asked McHardy if they could discuss beforehand 'some points before the committee meets', when both men were to be interviewed in May 1853 about 'extending the rural police'.<sup>75</sup> There was a longer series of letters between the two in August 1860 about McHardy's ideas for using the police as the nucleus of an armed defensive force. In a letter dated 2 August 1860 McHardy presented Chadwick with a copy of his scheme for a volunteer defensive force which, co-operating with the coast guards, would make it unnecessary to call out the militia during times of crisis or invasion. Commenting to Chadwick that although he had first published his proposals in 1846, and had lived to see many of his ideas carried out, 'I do not despair of seeing this mature'.<sup>76</sup> It did not do so.

Steedman suggests that part of McHardy's plan was put into practice in Essex and some other English counties, although he was never allowed to put the whole plan into operation.<sup>77</sup> The two were still corresponding in January 1873 when McHardy thanked Chadwick for sending him 'an interesting paper' (topic unspecified) and making various complimentary remarks about how the chief constable had carried out his duties over the previous thirty-three years. McHardy's own words described his experiences as 'fitting the ship out, getting her clear of the land ... and into blue water'.<sup>78</sup>

E P Thompson sought to rescue his lower orders from the 'enormous condescension of posterity'. This thesis intends to perform a similar service for the

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<sup>74</sup> UCL Chadwick MSS Folder 1309.

<sup>75</sup> Ibid. Folder 4.

<sup>76</sup> Ibid. Folder 9.

<sup>77</sup> Steedman p 22.

<sup>78</sup> UCL folio 1 dated 25 January 1873.



ancient office of petty constable in its final years of existence while it was being gradually supplanted by the new county force. The thesis has six more chapters after this introduction. Chapter 2, 'The Great Unpaid' examines the origins of the office of Justice of the Peace and looks at the influences on those who played a key part in the organisation of policing. It also provides much additional material in support of Norma Landau's models of patriarchal and patrician magistrates. Chapter 3, 'Local Justice in Action', focuses on a variety of policing systems in Essex before the county police, and adds significantly to current work on the relative efficiency of policing in some areas before 1839. Chapter 4 is entitled, 'Towards a County Force' and focuses on the reforms of the 1830s, use of special constables and the origins of the new police including analyses of force personnel records. Chapter 5 discusses 'Constables and County Government' using new sources which throw light on how the county force was set up and operated after 1840, as well as its relations with the parochial constable system. The penultimate chapter discusses law and order in the four ancient borough forces, both before and after the 1835 Act, leading up to Chapter 7 which reviews the research and makes some conclusions.

My underlying theme throughout will be that parish constables must be seen in context before we can assess them, but that modern assessments have for too long been distorted by the biased perceptions bequeathed from the past. As my opening quotation shows, Dickens himself was very aware that as he painted one word picture others had tried to show the opposite. Modern historical insights must be evidence-based, and thus we are able to take the story onwards from the 'superstition' of the past to a more objective view in the future.



## CHAPTER 2

### THE GREAT UNPAID<sup>1</sup>

'Three or four Parsons, three or four Squires, Three or four Lawyers Three or four Lyars, Three or four Parishes bringing Appeals, Three or Four Hands, three or four Seals, Three or four Bastards, Three or four Whores, Tag, Rag and Bobtail, three or four Scores ... Three or four Statutes not understood, Three or four Paupers Praying for Food. Three or four Roads that never were mended, Three or four Scolds - and the Sessions is ended'.<sup>2</sup>

There are many good reasons for beginning a thesis on constables with a chapter on magistrates.<sup>3</sup> A discussion on the history and role of Justices of the Peace (JPs) touches on a number of highly relevant debates about such matters as the nature of politics, the relations between rulers and the governed, and images of the 'elite' and of authority. Prior to the introduction of county police forces JPs had close contacts with constables, verified their appointments by leet or parish, and swore in special constables if a potential situation justified it. Indeed, until the legislation of 1888, the committees to whom chief constables reported were composed *only* of magistrates. In the satirical extract at the head of this chapter, it is suggested that eighteenth century Justices of the Peace had a simple rural existence with minimal duties. While that will be shown to have a foundation for some JPs, their powers included the rights to try some felonies and misdemeanours at quarter sessions, and seek the resolution of minor criminal and civil matters at petty sessions, with some discretion as to whether action was taken. Norma Landau's research into Kentish JPs shows how their characteristics, and the way they were subtly modified from earlier styles, can be best understood by using her 'patriarchal' and 'patrician' models of magistrates. The 'patriarch' was described as a local miniature of the sovereign, who exerted influence

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<sup>1</sup> The first use of this expression was recorded in *The Edinburgh Review* in 1826, and quoted in Thomas Skyrme, *A History of Justices of the Peace*, (Chichester, 1994), p 172. [Hereafter Skyrme].

<sup>2</sup> From the *Ladies Magazine*, 15 December 1750, quoted in R Robson, *The Attorney in the Eighteenth Century*, (Cambridge, 1959), p 107.

<sup>3</sup> Magistrate and Justice of the Peace (JP) will be used interchangeably throughout the whole thesis.



over his area essentially as a private person. The 'patrician' model represented a higher culture which promoted and preserved English freedoms and was less closely associated with controlling a specific community. While she considered the process of seeming separation had begun in the mid-eighteenth century she saw it as still continuing in the early nineteenth century.<sup>4</sup>

Peter King has shown in a recent article that sometimes eighteenth-century JPs made decisions based on their own judgement rather than by referring to specific statutes, and such practices carried on into the nineteenth century.<sup>5</sup> On 9 July 1832, for example, the Terling constable took before John Strutt of Terling Place a man who had refused to work. By doing so the prisoner had left his family chargeable to the parish, so Strutt committed him to the county gaol for twenty-one days with a warrant he wrote out himself and validated with his seal.<sup>6</sup> It was leading magistrates such as Strutt who took the decisions to establish the new county force, and who were responsible for appointing its first chief constable. JPs were, therefore, the central pivot of local government until the mid-nineteenth century, as David Eastwood has also illustrated in his study of Oxfordshire.<sup>7</sup>

This chapter, therefore, examines the origins of the office of magistrate before focusing on some of the men who were on the Commission of Peace in Essex in the late eighteenth and early nineteenth centuries. Their backgrounds, education and political affiliations will be explored to assess how far these may have influenced attitudes to policing changes in the 1830s and 1840s. There is also a case study of

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<sup>4</sup> Norma Landau, *The Justice of the Peace 1679-1760*, (University of California Press, 1982), pp 359-360. [Hereafter Landau.]

<sup>5</sup> P J King, 'The Summary Courts and Social Relations in Eighteenth-Century England,' in *Past and Present*, (May 2004, no. 183), pp 124-169.

<sup>6</sup> Uncatalogued document in the Rayleigh archives at Terling Place, home of Lord Rayleigh (family name Strutt). Lord Rayleigh was a prominent member of quarter sessions in the nineteenth century.

<sup>7</sup> David Eastwood, *Governing Rural England: Tradition and Transformation in Local Government 1780-1840*, (Oxford, 1994). [Hereafter Eastwood].



one particularly influential Essex magistrate who left a detailed series of diaries. This chapter also discusses the increasing professionalism of magistrates - coinciding with a similar trend in policing - and thus extends the work of Eastwood and King.

### ***Becoming a Justice of the Peace***

Under an Act of 1439<sup>8</sup> a potential Justice of the Peace had to be a county gentleman with land or tenements valued at £20 a year. Patronage or personal wealth and influence often led to a man being recommended to the Lord Chancellor for inclusion in the Commission of Peace for a specific county; however, having one's name placed on the Commission was only the first step. A county JP could not operate until he had taken oaths prescribed under Acts of 1617 and 1661, and paid a fee to the Clerk of the Peace.<sup>9</sup> From 1673 the Oath of Qualification also required him to produce a sacrament certificate signed by a minister of religion, churchwarden and two witnesses to confirm that he had received Holy Communion within six months of taking office. The Commission's order of precedence defined seniority and thus determined the seating order of justices at quarter sessions and assizes. However, every time the monarch changed or a new JP was appointed, a fresh commission was needed. An Elizabethan bishop once complained that 'the commission of peace is so often altered and dailie renewed' that he was not sure who were the JPs.<sup>10</sup> It was not until 1767 that qualified justices were exempted from the need to requalify when

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<sup>8</sup> 18 Hen. VI cap.11.

<sup>9</sup> Originally Clerk of the Peace was an office in the gift of the Lord Lieutenant and granted for life, subject to good behaviour. It was often held by different generations of the same legal families. (Eastwood p 63). The office holder was responsible for preserving the quarter sessions records and framing indictments; he was also known as *custos rotulorum*, a title now held by the Lord Lieutenant. By the nineteenth century the Clerk of the Peace was usually a lawyer in private practice, who received fees from the county for the work that he did on its behalf. (K M Thompson, *Short Guides to Records, first series*, Historical Association, reprinted 1994).

<sup>10</sup> Barnes, Thomas G & A Hassell Smith, 'Justices of the Peace from 1558-1688: a Revised List of Sources,' in *Bulletin of the Institute of Historical Research*, Volume XXXII, (1959), pp 221-242.



the monarch changed.<sup>11</sup> The abolition of the Corporation and Test Acts in July 1828 allowed nonconformists to become magistrates without having to compromise their religious beliefs. The active and energetic JP Samuel Shaen of Hatfield Peverel is but one example of a nonconformist who only joined the bench on 3 March 1829, after that Act took effect.<sup>12</sup>

By tradition those who held the office of JP were members of land-owning families whom David Philips and Robert Storch refer to as 'a self-constituting political elite'.<sup>13</sup> While some functions of magistrates could be exercised on an individual basis, many more required JPs to attend either quarter sessions or assizes, where the gravest offences and more complex disputes were heard. Less serious matters were sometimes dealt with by small groups of justices meeting unofficially, and those meetings from the mid-eighteenth century gradually developed into more formal 'petty sessions'.

No JPs were paid, and legal knowledge was not required, although there were some distinguished exceptions in Essex. Procedural and legal guidance for those JPs who decided to swear the oath of *dedimus potestum* was provided by the Clerk of the Peace. However, with the need to handle a complex range of administrative tasks, as well as criminal matters to deal with, many men appointed to the Commission of Peace chose not to take the oath. Blackstone's *Commentaries*, published in 1775, attributed the burdens of administering summary justice as the main reason for the increasing reluctance of these nominal JPs to get actively involved. David Eastwood's work on Oxfordshire suggested that only about one-third of those in the Commission

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<sup>11</sup> 7 Geo. III cap. 9.

<sup>12</sup> Essex Record Office [Hereafter ERO] Q/JL 8.

<sup>13</sup> David Philips & Robert Storch, *Policing Provincial England*, (Leicester University Press, 1999), p 84. [Hereafter P&S]



had taken the oath, and a far smaller number were genuinely active. In the Oxfordshire of the late eighteenth century that would have been about 35 men, thus making a ratio of one JP to about 3000 inhabitants.<sup>14</sup>

Magistrates formed the core of the provincial ruling class,<sup>15</sup> but being both volunteers and unpaid, some chose to be more active than others. King mentions that the numbers involved in Essex rose from 117 in 1702 to over 320 by 1807-13, an increase which paralleled the county's rise in population. In discussing methods for judging workloads of eighteenth-century magistrates, King argues against using records of attendances at quarter sessions because the Essex sessions always met at Chelmsford which was a major journey for many JPs.<sup>16</sup> Probably such an observation is less valid by the mid-1840s when transport between major towns had improved considerably, especially after the railway reached Chelmsford in 1843.

While having one's name on the Commission of Peace was an acknowledgment of social position and ownership of land, it did not necessarily mean that the named person intended to take the oath of *dedimus* which would allow him to sit on the bench.<sup>17</sup> There are various manuscript lists of men on the Commission of Peace amongst the Essex quarter sessions archives, but not all of them give the dates on which such men were either appointed or took the oath. A manuscript list dated 1782 gives the names of 125 men in Essex qualified to act as JPs. There is also a list dated August 1817 but amended to 1834, one dated September 1849 but

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<sup>14</sup> Eastwood p 78.

<sup>15</sup> P & S p 8.

<sup>16</sup> Peter King, *Crime, Justice and Discretion in England, 1740-1820*, (Oxford, 2000), pp 110-111. [Hereafter King].

<sup>17</sup> Intending JPs had to swear to their property qualification 'that I truly and bona fide have such an estate in law or equity for my own use and benefit messuages lands tenements and hereditaments as doth qualify me...' They then had to swear 'To keep the Peace of the said Sovereign Lord the King in the County and also to hear and determine divers felonies, trespasses and other misdemeanours'. (ERO Q/JQ 5).



with amendments to c1860, and another dated c1847.<sup>18</sup> Norma Landau's book on JPs in Kent quotes a figure of 317 Essex magistrates in 1761, which suggests that her figure was the official number from the Commission of Peace, rather than the number of active magistrates who had taken the oath, paid the requisite fee and intended to act.<sup>19</sup> Using the names on the 1782 list of JPs to judge their activity in relation to property offences, King concluded that one-third of them did not commit a single property offender between 1778 and 1783, although he does concede that they may have heard poor law and non-indictable cases.<sup>20</sup>

The Lord Lieutenant exercised a strong influence in getting 'appropriate persons' to join the Commission of Peace, and potential candidates were discreetly approached to gauge their reactions. Tentative approaches could also be made to possible candidates by other magistrates, and if the response was positive the candidate would be formally recommended to the Lord Lieutenant. In 1823, for example, Sir Eliab Harvey of Rolls Park in Chigwell approached William Davis of Leytonstone. Davis responded enthusiastically, telling Harvey that Lord Braybrooke would probably know his name because he had held a commission in the Leyton Corps of Volunteers for some years.<sup>21</sup> William Davis subsequently became a very active county magistrate, sitting on the Ilford bench and at quarter sessions from his appointment on 24 February 1824 until his death in office thirty years later. Davis and one other Essex JP also gave evidence to the Select Committee investigating the

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<sup>18</sup> ERO Q/JL 6 and 8.

<sup>19</sup> Landau p 368.

<sup>20</sup> King p 111.

<sup>21</sup> ERO Q/JL 9.



establishment of the Metropolitan Police.<sup>22</sup>

The county of Essex experienced a large variation during the nineteenth century in the numbers of its landed estates, some of this being due to changes in agricultural techniques and transport.<sup>23</sup> In 1777, for example, Chapman and Andre published a county-wide atlas of Essex which showed amongst its many features over two hundred seats of noblemen and gentlemen, together with their owners' names.<sup>24</sup> A study of the situation in 1800 records only sixty estates scattered across the county, some of them comprising different properties owned by the same family.<sup>25</sup> The Petre estate, for example, comprised seven different properties in central and south Essex, and the Tylney estate had five different properties in the north, south and west of Essex. Fourteen more estates were owned by colleges or charities, such as St Paul's Cathedral, Wadham College Oxford, and St Thomas's hospital in London. Other major landowners included county families such as Bramston, Braybrooke, Mildmay, Nottidge, Petre, Round, Strutt, Tower, Waldegrave, Western, Wright. Some of the estates which existed in 1800 were broken up shortly afterwards because of what Defoe called 'ancient families worn out by time'.<sup>26</sup> By the 1830s the only peers living in Essex were Lords Petre and Braybrooke, Baron Maynard, and the wife of Joseph Holden Smith who was a peeress in her own right before becoming Lady Rayleigh in 1821.<sup>27</sup>

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<sup>22</sup> *Parliamentary Papers Vol. VI*, 533 (1828). William Davis later shared the bench with Richard, the third Lord Braybrooke, (1783-1858), a Cambridge academic at the time when new ideas were fermenting, and one of the chairmen of quarter sessions, although Davis himself was not keen on the new ideas being propounded, and was strongly against centralisation and the county police.

<sup>23</sup> FML Thompson, *English Landed Society in the Nineteenth Century*, (London, 1963), p 125. [Hereafter Thompson].

<sup>24</sup> Chapman & Andre Map of Essex 1777, (Half-scale reproduction, ERO Publication 11, Chelmsford 1950).

<sup>25</sup> Colin Shrimpton, 'The Landed Society and the Farming Community of Essex in the late Eighteenth Century', (Cambridge PhD thesis, 1965), Map 1 inset. [Hereafter Shrimpton].

<sup>26</sup> Shrimpton p 50.

<sup>27</sup> *Ibid.* p 43.



While many of the remaining larger landowners continued to act as magistrates on occasions, the break-up of some estates allowed the *nouveau riche* (often bankers and business men), to buy land and establish their own country estates. One quarter of the names in the 1871 edition of Burke's *Landed Gentry*, for example, acquired their country seats after 1790.<sup>28</sup> Leyton, Wanstead and Ilford were especially popular districts because of their proximity to London. It was not uncommon for new landowners to seek social advancement by marrying into old-established county families or by becoming magistrates, sometimes in areas which had inadequate cover, so would favour their likely selection. King has shown that insufficient numbers of JPs was also a problem in the eighteenth century. Because many substantial gentry spent relatively little time on their estates, some lists of available magistrates created an over-optimistic picture of availability.<sup>29</sup>

Essex had sixteen court divisions corresponding approximately to the ancient hundredal boundaries, and while JPs were appointed to a particular division their powers covered the whole county. The aim of having several JPs in each division was rarely achieved, as suitable landowners did not usually choose to live in damp coastal districts such as the Dengie Hundred, or in the group of villages in Dunmow Hundred known as either the Roothings or the Rodings. When a potential candidate was found in such an area he was enthusiastically recommended. In 1823, for example, Charles Western of Kelvedon, a local Member of Parliament, wrote to the Lord Lieutenant recommending the appointment of Oliver Hering of Heybridge because, 'He resides by Maldon, where respectable gentlemen, at least of the first class, are scarce.' However Hering's subsequent appointment to the Thurstable division meant a journey

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<sup>28</sup> Thompson p 43.

<sup>29</sup> King p 114.



of about eight miles from his home to the main centre of population at Tollesbury. Conversely, at the same time there were three JPs living in the attractive central Essex village of Terling, all of whom were members of the Strutt family, the principal landowners.<sup>30</sup> It was not unknown for a JP to live in one district and work in another division where he also owned land. Charles Phelps, for example, lived at Briggins Park in Hertfordshire but sat on the Epping bench.<sup>31</sup>

In an undated document from around 1800, the names of thirteen landowners are given, together with the parishes in which their qualifying land lay. Ten of the landowners said they intended to act if their names were placed on the Commission of Peace. Robert Gosling of Farnham and his son William indicated they would not act, as did the Rev. Charles Onley who held land in Stisted and Fordham.<sup>32</sup> The Rev. Edward Henry Green of Lawford Hall seems to have known his own limitations on being invited to join the Commission of Peace in 1824:

I am really fearful of taking out my dedimus at present although I hope a little reading and attention would show me the right road to save myself from ignorance ... I also wish to save expense, being nearly ruined by the loss of farming.<sup>33</sup>

In the eighteenth century Justices of the Peace often worked from home, personifying the ideals discussed by Landau about 'patriarchal' justices who were the natural leaders of their communities and who, in that capacity, exerted their influence on local justice. King gives the example of Samuel Whitbread in Bedfordshire who was available almost every day of the year and conducted many hearings before

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<sup>30</sup> Janet Gyford, 'Men of Bad Character: Property Crime in Essex in the 1820s', (Unpublished MA thesis, University of Essex), 1982, p 31. [Hereafter Gyford thesis].

<sup>31</sup> ERO Q/JL 6. Phelps was appointed on 11 April 1833.

<sup>32</sup> ERO Q/JL 7.

<sup>33</sup> ERO Q/JL 9. By 1830 the fee paid to the Clerk of the Peace for swearing the oath of dedimus was about £7. 10s. Eastwood p 77.



breakfast while wearing his dressing-gown.<sup>34</sup> Such practices continued into the nineteenth century, and one Kelvedon cleric was famous for dispensing justice through his vicarage window.<sup>35</sup> However, such intrusions into their private lives must have contributed to the increasing reluctance of some members of the provincial ruling class to participate in local justice, even if they were resident on their estates. Peter Mandler has suggested that some of that reluctance could have been due to agricultural and economic changes, and differing perceptions of the role of magistrates as natural protectors of the poor and disadvantaged.<sup>36</sup>

Landau discusses subtle changes in attitudes towards Kentish magistrates, from the late eighteenth century onwards, and the process undoubtedly had some parallels in Essex. A magistrate was seen less as the voice of his own community and more as its disinterested judge and administrator. Her 'patrician' model of a JP was seen as a representative of a higher culture which promoted and preserved English freedoms, while distancing himself from a specific community.<sup>37</sup> Together with changes in party structures and identities at national and local level, this can be interpreted as the gradual introduction of a two-tier system of JPs and this will be discussed later.

Moves towards more formal 'petty sessions' on advertised dates and venues was a response to the problem of limiting an individual magistrate's workload and distancing him from his local community.<sup>38</sup> In 1833, for example, the Witham divisional magistrates decided that four of their number - Peter Wright, Rev. Charles Dalton, William Luard and Samuel Shaen - would chair the 'petty sessions' for three months

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<sup>34</sup> King p 84.

<sup>35</sup> Gyford thesis p 32.

<sup>36</sup> Peter Mandler, 'The Making of the New Poor Law *Redivivus*,' in *Past and Present*, No. 117, (November 1987), pp 139, 156.

<sup>37</sup> Landau p 359.

<sup>38</sup> Eastwood p 90.



each during the year.<sup>39</sup> That decision seems to have been taken on their own initiative, although by the second half of the nineteenth century petty sessions were scheduled at more or less regular intervals in each division of the county.

Landau's research on Kentish justices identified men who became JPs between 1751 and 1761 and who also attended university, studied at one of the Inns of Court, or whose fathers and/or grandfathers had been magistrates.<sup>40</sup> Although Landau's research cannot be directly compared with this thesis, because it relates to an earlier period and another county, it has provided a frame of reference for similar enquiries into the backgrounds of Essex magistrates and the possible influences upon them.

King describes the 1782 manuscript list of Essex JPs as covering a wider proportion of recently-established small gentry, some of whom had bought land carved out of sub-divided estates in south-west Essex.<sup>41</sup> To examine the backgrounds and political affiliations of a number of Essex magistrates it has been necessary to consult the 1782 list, plus two other manuscript lists that were updated to the mid-nineteenth century.<sup>42</sup> All the lists show surnames of different generations and branches of the same land-owning families, for example, Abdy, Bramston, Bullock, Conyers, Disney, Grey, Martin Leake, Mashiter, Mildmay, Pattisson, Raymond, Round, Spitty, Strutt, Tower, Tufnell.<sup>43</sup> Octavius Mashiter of 'Priests' in Romford and

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<sup>39</sup> ERO D/DU 139/3/2.

<sup>40</sup> Landau p 390.

<sup>41</sup> King p 119.

<sup>42</sup> One of the manuscript lists is dated 1782, the second 1817 with amendments to 1834, and the third is dated 1849 with amendments to 1864. [ERO Q/JL 8]. There are other lists (some undated) in the quarter sessions archives.

<sup>43</sup> These have been supplemented by a printed list of JPs in William White: *History, Gazeteer and Directory of Essex*, (Sheffield, 1848), pp 41-44. [Hereafter White 1848]. One of the few dated lists of JPs gives details of Justices in October 1835 who had been qualified for 20 years 'or upwards'. There are 41 names, the earliest of whom had taken his oath of dedimus in April 1789. The most recent JPs listed were Rev CB Abdy (11 July 1815), JJ Tufnell (8 August 1815) and Rev Sam. Wix (4 April 1815). Rev CB Abdy was still active at quarter sessions in 1840. (ERO Q/SBb 521/70).



Thomas Mashiter of Hornchurch Lodge, are two examples of fathers and sons with their own properties who were on the Commission of Peace at the same time. There are also examples of fathers and sons who shared the same house while serving as magistrates, for example Edgar and John Disney of the Hyde in Ingatestone, and JC and Jonathon Bullock of Faulkbourne Hall, near Witham.

King observes that Essex gentry of the late eighteenth century were mostly drawn from a combination of 'new wealth' and traditional squirarchy. Men with new wealth had often moved out of London into adjacent parts of Essex, where they founded smaller country estates whilst pursuing their wider interests. Such practices carried on into the nineteenth century. A high proportion of the magistrates in this study had made 'new money' and had also, in some cases, attended Oxford or Cambridge universities. Geographical factors as well as family preferences influenced the choice of university, and religious views were also relevant. Oxford, for example, was traditionally associated with training clergymen,<sup>44</sup> although several of the clerical magistrates in this study had been students at Cambridge, for example Rev. Thomas Brooksby and the Rev. J P H Chesshyre.

University attendance was judged significant not just as indicating an educational level and demonstrating an ability to handle new ideas, but also as a clue to the 'networking' potential of the individual concerned. The uncertainty within the lists as to who was and was not 'active,' suggested that research should be focused on those JPs who had *proved* their commitment by attending one or more of the three crucial meetings which preceded implementation of the County Police Act. That approach produced a list of 107 names, from which it was established that 60 of them

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<sup>44</sup> Peter Searby, *A History of the University of Cambridge*, Vol. 3, (Cambridge University Press, 1997), p 277.



had taken a degree at Oxford or Cambridge (56%).<sup>45</sup> Such a high proportion suggests a well-educated magistracy who were more likely to be open to new ideas. From that number of alumni, 41 (68%) graduated from Cambridge, and 19 (32%) from Oxford. The relative proximity of Cambridge to Essex may well have been one of the reasons why more JPs studied there as young men.

It is never easy to assess the impact and movement of ideas. Nevertheless, there is circumstantial evidence to suggest that exposure to Cambridge University, with its favourable reception of Utilitarian ideas, together with other influences the thinking of a number of the men who became Essex magistrates in the early nineteenth century. Bentham himself, with his parents, spent much of his infancy in Barking, then a small Essex country town. Until Jeremy went to school the family lived for part of every week in the house owned since 1738 by his paternal grandfather. Jeremy's father, Jeremiah Bentham, travelled from Barking to his place of business eight miles away until he also bought property in the town.<sup>46</sup>

The 1782 list of magistrates shows that Jeremiah Bentham (almost certainly Jeremy's father who died in 1792) was an Essex magistrate, although no evidence of his activity has been found.<sup>47</sup> While Cambridge was the preferred university for young Bentham, then a twelve-year-old prodigy, its perceived lack of supervision meant that he became instead a student at The Queen's College, Oxford, before being admitted

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<sup>45</sup> J A Venn (ed.), *Alumni Cantabrigenses, Part II, 1752-1900*, (Cambridge University Press, 1940), J Foster (ed.) *Alumni Oxonienses*, (Volumes 1-4), London 1887). [Hereafter *Venn Cantabrigenses* and *Foster Oxonienses*.] The Cambridge volumes are much more detailed and often include dates of death and careers.

<sup>46</sup> H H Lockwood, 'The Barking Vicarages and Jeremy Bentham,' in *Essex Journal*, Vol. XXVII, pp 43-46, (Summer 1992). This also uses Bentham's recollections of his childhood as told to his biographer, J Bowring, which were included in *The Collected Works of Jeremy Bentham*, published in 1843. [Hereafter *Barking Vicarages*].

<sup>47</sup> ERO Q/JL 6 and Lockwood *Barking Vicarages*, pp 43-46.



to Lincolns Inn.<sup>48</sup> During his time at Oxford Bentham became friendly with a Balliol man named John Lind, son of the vicar of West Mersea; he is also known to have worked with an Essex economist from Colchester named Nathaniel Forster.<sup>49</sup> An even stronger association with Colchester developed after Bentham's mother died. His father married a Colchester widow whose own son was Charles Abbott, first Baron Colchester (died 1829). Bentham and Abbott corresponded regularly for many years.<sup>50</sup>

Bentham's maternal relations came from an Essex family named Tabor which had close links with Cambridge University. Although there is no evidence that Bentham visited the university, his ideas were certainly propagated there through the writings of James Mill, one of his influential disciples. Another of Bentham's disciples (and his one-time secretary) was Edwin Chadwick, who visited Essex in the 1850s and is known to have corresponded in friendly terms with Captain McHardy, the first chief constable (see Chapter 1).

James Mill wrote a number of articles between 1816-23 that expounded aspects of Utilitarian philosophy and were ultimately intended for publication in the *Encyclopedia Britannica*. Mill's article on government, for example, appeared in 1820 and was based on Benthamite principles. It was regarded as 'a masterpiece of political wisdom by the philosophical radicals', being twice reprinted in 1825 and again in 1828 by which time it had become a 'text book of the young men of the union at Cambridge'.<sup>51</sup> Section three of the article on government relates to the abuse of power, and propounds the philosophical idea that if it was impossible for the

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<sup>48</sup> Timothy L S Sprigg (ed.), *The Correspondence of Jeremy Bentham*, Vol. 1, (University of London, Athlone Press, 1968), pp XXIII-XXXVI. [Hereafter Sprigg].

<sup>49</sup> George Smith (ed.), *Concise DNB to 1900*, (Oxford University Press, 1961), p 451.

<sup>50</sup> Sprigg p XXVIII.

<sup>51</sup> *Dictionary of National Biography* on CD ROM. [Hereafter DNB].



community as a body to protect each of its members then it must employ individuals for that purpose.<sup>52</sup> That could be interpreted as Mill supporting the concept of a paid police.

There is no suggestion that James Mill ever visited Cambridge University, but his son, John Stuart Mill, certainly did so in 1822 at the invitation of Charles Austin 'one of the really influential minds among the intellectual gladiators at the union'.<sup>53</sup> It is, of course, impossible to *prove* that any of the Essex magistrates were directly influenced by such new ideas, either when they were at Cambridge or afterwards. One can only draw attention to some of the avenues then open for keeping in touch with a wide range of people and new ideas, as well as likely exposure to reforming journals. Non-resident graduates of Cambridge University, for example, were allowed to vote in elections, and their travelling and accommodation expenses were often met by the candidates. Attending such functions would have given graduates living at a distance the opportunity for continued exposure to reforming insights and the chance to test their own ideas against others.<sup>54</sup>

Apart from ideas disseminated in the form of lectures, discussions or journals, one cannot discount the potential for various forms of interaction at social events. Leonard Schwarz, for example, refers to 'the court', meaning the annual attendance of aristocracy and gentry in London for a few months each year with its consequent round of social engagements.<sup>55</sup> Charles Gray Round (see later) is just one example of an Essex JP who maintained a London house as well as his family estate at Birch Hall near Colchester. In consequence Round and his contemporaries also influenced

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<sup>52</sup> James Mill, 'Essay on Government,' (London, 1828), an off-print from *Encyclopædia Britannica*, 1828 edition.

<sup>53</sup> Wilson Harris, *Caroline Fox*, (Constable, 1931), p 143.

<sup>54</sup> Searby p 389.

<sup>55</sup> Leonard Schwarz, 'London 1700-1840' in Peter Clarke (ed.), *The Cambridge Urban History of Britain*, Vol. II, 1540-1640, Cambridge University Press, 2000). [Hereafter *Cambridge Urban*].



and assimilated what Pamela Sharpe describes as the 'urban identity', but without needing to live in London all the year round.<sup>56</sup>

As well as the potential for JPs to meet socially at functions in London, there were also county events such as balls and dinner parties. The existence of a series of 'dinner books' maintained by the Strutt household at Terling Place shows that its head, Lord Rayleigh, (a prominent member of quarter sessions), regularly entertained magistrates from all over the county. Between 11 February 1840 (the day the first chief constable was appointed), and 25 March 1840 for example, eight of the county magistrates dined there on at least one occasion; and two dined three times.<sup>57</sup> We cannot, of course, know what subjects were discussed, but policing is likely to have been one of them.

It will be shown later that a number of the Essex JPs had legal qualifications, and would thus have been exposed to new ideas and influences from the Inns of Court, especially during law terms. Jeremy Boulton, for example, refers to the increasing number of attorneys who lived and practised in the provinces, but who enjoyed good communications when they stayed in London during the law terms. Attorneys were also likely to be more 'upwardly mobile' than some businessmen.<sup>58</sup>

In her work on JPs in Kent, Landau suggested that as magistrates in general represented distinct political interests they needed a symbol to unite them into a more cohesive body. She suggests that the symbol was the chairman of quarter sessions. While chairing quarter sessions had formerly been the role of the *custos rotulorum*, Kentish magistrates had elected the chairman of their choice from the early

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<sup>56</sup> Pamela Sharpe, 'Population and Society, 1700-1840,' in *Cambridge Urban*, pp 491-528. [Hereafter Sharpe].

<sup>57</sup> Uncatalogued volume in the Rayleigh archives.

<sup>58</sup> Jeremy Boulton, 'London 1500-1700,' in *Cambridge Urban*, pp 315-346 and Sharpe, pp 524-5.



eighteenth century.<sup>59</sup> In the late eighteenth and early nineteenth centuries it was also usual for the chairman of Essex quarter sessions to be elected by his colleagues at the start of each session (i.e. Epiphany, Easter, Trinity and Michaelmas). Men from the great county families were usually elected as chairman and the role often ran in families. Between 1800 and 1804, for example, Thomas Berney Bramston MP was chairman at the Epiphany and Michaelmas sessions, and for the Epiphany and Easter sessions in 1809. From 1810-1814 his son Thomas Gardiner Bramston was chairman at Epiphany Sessions, and at Trinity and Michaelmas sessions in 1814 and Easter sessions in 1815. Charles Callis Western chaired the Epiphany session of 1815 and John Wolfe the Trinity sessions.<sup>60</sup>

From the 1830s onwards there are signs that the men who became chairmen of quarter sessions were less likely to have been elected merely because they were members of one of the great county families. Increasingly post holders had legal qualifications, and were prepared to spend a lot of time on fulfilling their responsibilities to quarter sessions. Chairmen acquired a greater expertise and professionalism when it became more common for them to be elected for longer periods and fulfil the role on a regular basis. The case study which follows later shows that soon after Charles Gray Round was invited to become a JP he became the regular chairman of quarter sessions, probably because of his extensive legal experience. However, as will be shown later, it may also have been an example of successfully 'head hunting' a man who fitted the right profile for being highly qualified and interested in new ideas.

Not all lawyers became the chairman of quarter sessions, however. While

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<sup>59</sup> Landau p 279.

<sup>60</sup> H M Colvin, *Lords Lieutenant and Keepers of the Rolls for Essex*, (Chelmsford, 1933), unnumbered appendix.



Christopher Thomas Tower of Weald Hall in Brentwood was a graduate of St John's College, Cambridge, and had been called to the bar in 1822, he does not seem to have been chairman although he was still an influential JP.<sup>61</sup> John Martin Leake and John Disney were two lawyers who each became chairman of quarter sessions, although the latter also had wider interests. Disney lived at Ingatestone and was the author of several books on legal issues.<sup>62</sup> He also held an honorary Doctor of Laws degree from Cambridge, was a Fellow of the Royal Society, and had established a Chair of archaeology at Cambridge.

Retiring as chairman of quarter sessions in 1843, Disney was succeeded by Nathaniel C Barnardiston, who had also studied at Cambridge. Barnardiston lived at Little Henny on the Suffolk/Essex border, and was a member of a distinguished Suffolk family which also owned land in Essex. Describing himself as a barrister in the 1851 census, Barnardiston acted as chairman from 1844 to 1871. When he died in 1883 the obituary in the *Chelmsford Chronicle* mentioned that he had enjoyed 'the advantages of a sound legal education and habits of close, accurate and dispassionate investigation.'<sup>63</sup>

Charles Gray Round (1797-1868), was a practising lawyer who became chairman of quarter sessions in 1838, and he is the subject of the following case study. Round is exceptional in many ways, especially for keeping a series of detailed diaries that run from his days as a trainee barrister in 1823 until shortly before his

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<sup>61</sup> CT Tower died aged ninety-one in March 1861. As well as being a JP, the notice of his death shows he was also a deputy lieutenant, high sheriff in 1840 and MP for Harwich between 1832-34. (*Gentleman's Magazine*, Vol. 3, NS, 1867, p 406).

<sup>62</sup> These included *A Collection of Acts of Parliament* relative to County and Borough Elections, (1811), and *Outlines of a Penal Code*, (1826). John Disney died, aged seventy-eight, on 6 May 1857. Leslie Stephen & Sidney Lee (eds.), *DNB*, Vol. 5, (London, 1908), p 1005. John Martin Leake was the grandson of Stephen Martin Leake (d 1773), who was Garter king of arms.

<sup>63</sup> *Chelmsford Chronicle* 11 November 1883.



death in 1867.<sup>64</sup> The diaries record details of both his professional and private life, from his reading matter and religious observances to court work - both as a barrister and after he became a JP in 1835. While the diaries provide the details of his life, they also provide some evidence of the many factors which influenced him, both as a Member of Parliament and as one of the county elite. However, without a comparable series of diaries for other county magistrates, one cannot with certainty say whether Round's many activities were typical of a man of his class. However, his practice of recording his spiritual crises, commenting on his links with men at the universities and detailing the wide variety of his reading matter, was also a characteristic of the diaries kept by his slightly younger political contemporary William Ewart Gladstone, (1809-1898). Round and Gladstone were both candidates for one of the Oxford University parliamentary seats at the 1847 general election (see later). While it is not known whether they were personally acquainted, there is every likelihood that this was so, if only as candidates<sup>65</sup>

### ***Charles Gray Round***

Charles Gray Round was born in 1797, the eldest son of Charles Round, one of the Receivers General of Taxes for Essex and a banker by profession. After attending Felsted School and Winchester College, Charles Gray Round achieved a first-class degree in classics from Balliol College, Oxford in 1818. Round's diaries cover his subsequent busy professional life as a barrister, Recorder of Colchester, magistrate, Chairman of Essex quarter sessions and MP for North Essex between 1837-1847.

As owner of Birch Hall near Colchester, Round took an active part in running the estate and dealing with the affairs of his tenants. He was also closely involved in

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<sup>64</sup> ERO D/DR F60-72.

<sup>65</sup> Foot, M D R (ed.), *The Gladstone Diaries, 1809-98*, (Oxford, Clarendon Press), 1968-94.



local activities, for example, acting as a Guardian in the Lexden and Winstree Union from 1836, and - after his marriage to Emma Brock - in the supervision of local schools. The detailed entries in Round's diaries show what may have been typical experiences for educated middle class men of his time, especially in relation to contacts between members of the universities of Oxford and Cambridge at both professional and social levels. As a former pupil of Winchester College, Round attended meetings of Wykemist alumni held in London, as well as public and private dinner parties, and Masonic lodges.<sup>66</sup> Later in life he also had several contacts at Cambridge University, and on 28 September 1836 'dined with JRE of Trinity College'. The identity of JRE is not known.<sup>67</sup> Visiting Cambridge again in October 1844 Round noted in his diary that the Bodleian was more attractive than the Cambridge University library, but agreed with those who said that Oxford had nothing to compare with the fine buildings at the back of King's College.<sup>68</sup>

Religion was an all pervading influence on Round's life, and as an Anglican of the Evangelical tradition he 'was a warm supporter of most of the religious societies associated with the Church of England'.<sup>69</sup> Evangelicals - of whatever religious denomination - placed primary emphasis on the salvation of souls, and accorded to each person a good deal of responsibility for their own salvation. An individual's personal relationship with God was generally considered more important than corporate worship. Although Round usually attended church services at home and wherever he was staying, he considered his personal relationship with God and his studies of the Bible to be just as important. Round wrote lengthy diary entries

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<sup>66</sup> ERO D/DR F65 4 May 1836.

<sup>67</sup> Ibid. 28 September 1836.

<sup>68</sup> ERO D/DR F67.

<sup>69</sup> Charles Gray Round's obituary in the *Gentleman's Magazine*, Vol. 5, NS 1868, p 107.



recording his spiritual turmoils, and also included details of his impressive range of religious and secular reading. There is evidence that his social circle embraced a wide variety of people from different classes, including men who had attended both Oxford and Cambridge universities. As a barrister he also had written contact with officials in other counties. On 17 and 18 August 1832, for example, Round's diary shows him to have been working on unspecified papers about the Reform Bill and noting that he had received a letter from the deputy Clerk of the Peace in Kent. As the subject was not specified it may or may not have been anything to do with the Reform Bill.<sup>70</sup> However, his earlier reference to the Reform Bill was on 8 October 1831 when, sadly, the diary only notes briefly, 'Read some of the debates in the Lords of the reform bill'.<sup>71</sup>

The cities of Oxford and Cambridge were unique in having, from 1603-1945, three parliamentary constituencies - the county, the borough and the university. Each university had the privilege until 1885 of returning two MPs to Westminster, when the number was then reduced to one. After William Ewart Gladstone lost his Newark seat for supporting the repeal of the Corn Laws, he stood for one of the Oxford seats in the general election of 1847; the second seat was uncontested. While Gladstone was born into a family with a nonconformist religious tradition, he was gradually led by his Evangelical convictions into religious practices and beliefs associated with the High Anglican movement, although he continued to record his innermost thoughts in his journals.<sup>72</sup> Charles Gray Round's reputation as a 'High Church' Anglican prompted an invitation to contest the university seat against Gladstone, who was known to be in favour of reforming the university. Most of the issues of the election were religious

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<sup>70</sup> ERO D/DR F64.

<sup>71</sup> Ibid.

<sup>72</sup> See, for example, Roy Jenkins, *Gladstone*, (Macmillan, 1995), pp 100-115.



rather than political, and Round (already a reluctant candidate), lost more support when he admitted tolerance towards dissenters and attending nonconformist chapels on several occasions. He came bottom of the poll.<sup>73</sup>

On 17 February 1835 Charles Round travelled by coach from his home at Birch near Colchester to the Shire Hall in Chelmsford to take his oath of *dedimus* before the Clerk of the Peace and thus, like his father, to qualify as a JP. Round spent the rest of the day hearing cases with some of his new colleagues and was touchingly pleased to be consulted twice about two indictments - hardly surprising as he was an experienced lawyer. Within a month Round was pleased to accept another responsibility when he was appointed to the Grand Jury. Since the eighteenth century the Grand Jury had comprised a body of men whose principal task was to hear the prosecution evidence against each prisoner and to decide whether he or she had a case to answer. Charles Round seems to have revelled in such responsibilities. On 10 March 1835, for example, he was 'pleased at finding myself called to serve on the Grand Jury ... We sat at work till 6 when we went to dine with the Judges'. The entry for 21 July 1835 includes the observation that, 'We were 18 only on the Grand Jury. Worked away till half past 5... tolerably pleasant.'<sup>74</sup>

There are glimpses in the diaries of how 'influence' worked on the county bench, as Charles Round was soon identified as ready for even more responsibilities.

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<sup>73</sup> Sixteen college heads voted for Gladstone but only 4 supported Round. Gladstone polled 997 votes and Round 824. (Roy Jenkins, *Gladstone*, Macmillan, 1995), p 88-89. On the same pages Jenkins has perpetuated an error made by earlier biographers, for example, Richard Shannon in *Gladstone: Peel's Inheritor 1809-54*, (Penguin, 1982), p 200. Both works erroneously describe Charles Round as 'Professor'. My telephone query in 1999 to the editor of the Oxford *Victoria County History* produced an explanation that the misnomer may have been a simple confusion between Charles Round and one of his extended family, the historian John Horace Round (1854-1928), also a Balliol student. This now seems unlikely. Although J H Round made significant contributions to history and genealogy, especially in Essex, he was in poor health for most of his life and never held a Chair. According to his biographer, J H Round only returned occasionally to Oxford as a visitor after he went down in 1878. W R Powell, *John Horace Round*, (Essex Record Office, 2001), p 39.

<sup>74</sup> ERO D/DR F64.



On 11 March 1835, for example, he 'Dined with the sheriff. We sat down about 20. Mr Leake was mischievous enough to bring up my name...'<sup>75</sup> At that time John Martin Leake was chairman of quarter sessions. Perhaps Round's own piece of subtle influence three years before had drawn attention to his abilities as a barrister. On 24 July 1832 he had been appearing in two cases at quarter sessions, and in the evening had been invited to dine with the judges who included Lord Tenterden. Round noted in his diary that 'A box of fruit from Birch [his estate] seemed to give satisfaction to my Lord and the party'.<sup>76</sup>

Having become a JP, a willingness to respond quickly to the call of duty is also revealed by the diary entry for 8 April 1835. A letter from the Clerk of the Peace arrived at Birch Hall after Round had gone to bed, and he was woken because of its urgency. The following morning he left home at 0530 to reach Chelmsford for the start of quarter sessions where he took the chair in the criminal court and was 'Very courteously treated. The verdicts so far as I could judge right... the other magistrates treated me with great politeness'.<sup>77</sup> Staying in Chelmsford overnight, Round sat by John Disney while he chaired the morning session. In the afternoon Round was expected to chair the session himself.

Sometimes JPs had differences of opinion, and Round's diaries hint at dissent about decisions made at quarter sessions and at the Colchester borough court where he also made regular appearances. On 21 February 1835, for example, 'I did not quite like the way in which the poor relief cases were dealt with. Nor did I like a difference of opinion among the Justices being shown in public'. On 1 July 1835 differences of opinion became more obvious at quarter sessions in Chelmsford:

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<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> ERO D/DR F64.



Into court at 10 ... I differed so much from the rest of the court that I wished myself at Jericho. I wish the business was done in a more professional way. Glad to break it up. I felt very uncomfortable. Having differed so much thought it best to dine with the Js for fear I should be considered sulky ...<sup>78</sup>

Later in the same month he was again in a minority. The entry for 21 July 1835 includes:

Sat as a humble member of the Appeal Court till 5. Mr Leake in the chair. Agreed with the rest except in one case. Dinner with a small party of the Justices at the Saracen's Head. Did not feel at home - though the evening passed off pleasantly enough.<sup>79</sup>

It is clear that Round took his responsibilities as a JP seriously, and regularly analysed his feelings about the decisions he had made. He also commented on the shortcomings of others, for example on 20 July 1835:

Finished the business of the sessions. I think the verdicts were all right except in one case where there was an acquittal which rather surprised me. The fault lay with the Recorder's short and confused mode of putting the case. Everything else was well enough<sup>80</sup>

Within two years of being appointed a JP, and having experienced occasional periods as acting chairman of quarter sessions, Charles Gray Round started the year 1837 with:

Letters from Lord Rayleigh and Bramston informing me of Lord Western's retirement from the chair at the sessions and of Bramston's notice of motion to propose me to succeed him. A great surprise upon me. Very flattering ...<sup>81</sup>

Round had a year's notice of his new role, during which he was elected as Tory MP for North Essex. His diary entry for 29 July 1837 provides an insight into the preliminaries of an election:

Hardly any sleep after 2 except for half an hours just before 6 which...did me good. Mind tolerably composed and determined ... Divers friends came up both before and behind. Began to take courage ... nothing but blue ... Gave them with a loud voice what I had intended to say which was well received ... Now or never ...<sup>82</sup>

Charles Round was sworn in as an MP on the 17 November 1837. He took the

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<sup>78</sup> Ibid.

<sup>79</sup> ERO D/DR F65.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> ERO D/DR F65.



chair at quarter sessions for the first time on 2 January 1838 and recorded being 'very much dissatisfied with myself' at the way he directed the proceedings. For the next ten years he participated regularly in parliamentary business, continued to carry out his court and committee responsibilities, and ran his estate. In July 1838 he even found time, at the age of forty-one, to get married.

Despite his seemingly full public and private life Charles Round still managed to read widely, especially publications about social and religious issues. He noted in his diaries all the books and journals he read and sometimes included comments about their humour or difficulty. Reading matter ranged from works by Dickens and Cardinal Newman to books such as Miss Strickland's *Life of Queen Mary*, Brougham's *Sketches of Statesmen*, Thomas Arnold's *Rome*, and Dalton's *Commentary on the Bible*. Round first recorded reading the *Quarterly Review* in December 1820 when he had paid 5s 6d for a subscription.<sup>83</sup> At that stage the journal was known as a magazine for those with Tory inclinations, and it continued to be one of the range of journals that he read for the rest of his life. On Sunday 22 February 1835, for example, he went twice to church before spending the evening reading an article called 'Regeneration by Baptism' in the *Quarterly Review*. On 11 April 1837 Round's tastes were rather less serious as he was 'home laughing over Pickwick by half past 4', before beginning 'Newman's book' which he was still reading on 30 April. Finishing it on 2 July he lamented that, 'I cannot say great things of the book'.<sup>84</sup>

Charles Gray Round's long series of diaries are thoughtful and detailed, although it is clear that on occasions he made several days' entries retrospectively, probably from rough notes, and thus had the benefits of reflection. However, there is

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<sup>83</sup> ERO D/DR F60.

<sup>84</sup> The book concerned may have either been Newman's *The Arians of the Fourth Century* which was published in 1833, or one of the *Tracts for The Times* begun in the same year.



no suggestion that a delay in writing made him any less honest about his own perceived shortcomings. As already mentioned, the insights into his political and religious life show some similarities with the diaries kept by W E Gladstone who was his contemporary.<sup>85</sup> Round is an excellent example of a JP who spent so much time on magisterial duties that he can justly be described as one of the class of semi-professional JPs who were emerging by the mid-nineteenth century.

### ***Political Affiliations***

Some insight into Victorian politics in the widest sense has been gained from Round's diaries as well as a very detailed view of the elections he contested in Oxford and Essex. This section takes matters further by gauging the political affiliations of a group of magistrates voting in the 1830 election, to see if an individual's stance in the various policing debates bore any relationship to the party for which he cast his vote on that occasion. To find how some JPs voted in the 1830 election, a poll book of freeholders' names has been compared with the names of JPs which were included in lists made in 1833 and 1847.<sup>86</sup>

The French revolution of 1830 helped to revive an interest in parliamentary reform in England. However the death of George IV in June that year, and the election caused by Wellington's resignation as a protest against reform, meant that only about a quarter of seats in England and Wales were contested in the 1830 election.<sup>87</sup> The Essex seat almost went uncontested; the Honourable William Long Wellesley (Whig) had been canvassing for several days 'without any gentleman in the

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<sup>85</sup> Foot M D R (ed.), *The Gladstone Diaries, 1809-98*, (Oxford, Clarendon Press, 1968-94).

<sup>86</sup> Poll books survive only for the elections of 1810, 1812 and 1830, plus two by-elections in 1812 and 1830. R B Pugh (ed.) *Victoria County History of Essex Bibliography*, (London University, 1959), p 46.

<sup>87</sup> Llewellyn Woodward, *The Age of Reform*, (Oxford 1992, 2nd ed. reprint), pp 77-78.



Blue interest coming forward to oppose him'.<sup>88</sup> Sir John Tyssen Tyrell of Boreham (Tory), and Charles Callis Western of Kelvedon (Whig), were late entrants to a contest set in a politically sensitive situation that carried more than usual worries about security. A large body of special constables was in evidence at the polls, wearing hats bearing 'a paper inscribed in large letters special constable and a number'.<sup>89</sup> It was unusual for special constables to be given identifying numbers at that time, which is perhaps a further indication of the troubled times.

Before Parliament was reformed the county of Essex elected two 'knights of the shire' to Parliament, while the boroughs of Maldon, Harwich and Colchester each returned two members in their own right. Each freeholder had two votes. He could use only one vote to 'plump' for a single candidate, or use both votes for any two candidates either along or across party lines. Of the 159 magistrates in the 1833 List it has been possible to identify the voting behaviour of 58 of those who voted in the 1830 election. Forty voted across party lines for Western and Tyrell, i.e. one Whig and one Tory - presumably in the belief that everyone's interests would be best served that way, or perhaps because they particularly liked both men. Only five voted solely for Tyrell who was a Tory, while another 12 voted solely for Charles Western who was a Whig. Only one voter in the sample voted for Western and Wellesley, i.e. two Whigs. Those magistrates who showed particularly strong political affiliations by voting for just one candidate included Lord Petre of Thorndon Hall, Henry Labouchere of Hylands Park in Writtle, Rev. John Cox of Belchamp Otten and Joseph Pattisson junior of Maldon, who voted for a Whig candidate only. Those voting only for the Tory candidate included Rev. John Seale of Stisted, James Sparrow of Gosfield Place,

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<sup>88</sup> *Essex Standard* 6 August 1830.

<sup>89</sup> *Ibid.*



Rev. Thomas Brooksby of West Hanningfield, and - not surprisingly - John Tyssen Tyrell voting for himself. After a protracted election campaign Western and Tyrell (one Whig and one Tory) were elected by the 5318 Essex freeholders to represent them in Parliament. The national result saw the return of Earl Grey's Whig government, who had campaigned on a promise of reform, although significantly they had no plans to redress labourers' grievances.

While the results can only be seen as an indicator, it appears that at a very basic level most magistrates in the sample had no strong political feelings in their choice of representation - at least for that election - and preferred their interests to be represented by one MP from each party. One of the possible reasons for this may have been the fluidity of party labels at that time, or a mindset that put personalities foremost.

### ***Magistrates' Activity***

In Peter King's investigation into property crime before 1820, he examined the availability and character of Essex magistrates over the period from c1748 - 1752.<sup>90</sup> At that time there were just over 200 names on the Commission of Peace, but only about two-thirds of them had taken the oath which allowed them to act. King estimated, however, that in the 1782 manuscript list of JPs more than one-third of them did not commit a single property offender for trial between 1778-83. The five most active magistrates undertook more than 40 percent of the work.

King shows that in the late eighteenth century a rising number of acting JPs were clergymen, perhaps because there was still a shortage of magistrates. One partial solution was the appointment of even more clergymen to the Commission of Peace. However, there is no indication that any consideration was given to appointing

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<sup>90</sup> King p 110.



stipendiary magistrates, which had been a solution to a similar problem in Middlesex in 1792.<sup>91</sup> A government return of 1831 suggested that only 26 percent of qualified magistrates were clerics, although many of them were more active than their lay counterparts.<sup>92</sup> Clerical magistrates 'politicked, tally-ho'd, farmed and dined with the squires ... the two were often barely distinguishable'.<sup>93</sup> This was often because they were barely distinguishable, being younger sons of wealthy families like Rev. Carew Anthony St. John Mildmay who was the seventh son of Lord and Lady Mildmay; he became rector of Chelmsford in 1826.<sup>94</sup> Two other examples were the Rev. Sir Edward Bowyer Smith of Hill Hall, Epping, who was appointed a JP in October 1812, and the Rev. Sir John Page Wood of Rivenhall Place who became a magistrate in August 1836.<sup>95</sup>

Eastwood also found that clerical magistrates played an important part in Oxfordshire's local government, although their numbers declined from the 1830s.<sup>96</sup> Over three-quarters of the convictions at Oxfordshire sessions between 1780-1830 had been heard before clergymen JPs, who were often dutiful about their magisterial duties and sometimes regarded as members of a new ruling landed class.<sup>97</sup> For Essex, King found 29 clerical magistrates (28.2 percent) active in 1785 although that number had declined slightly by 1807.<sup>98</sup> These figures provide a useful starting point for judging the activity of some nineteenth-century clerical JPs. Clerical magistrates in Essex were reputed to be particularly hard-working, and several were active for many

<sup>91</sup> Joanna Innes & Nicholas Rogers, 'Politics & Government 1700-1840,' in *Cambridge Urban*, pp 529-574.

<sup>92</sup> Eastwood p 80.

<sup>93</sup> Roy Porter, 'The Social Order,' in *England in the Eighteenth Century*, (London, Folio Society, 1998), p 67.

<sup>94</sup> Hilda Grieve, *The Sleepers and the Shadows*, Vol. 2, (Chelmsford, 1994), p 187.

<sup>95</sup> ERO Q/JP 8.

<sup>96</sup> Eastwood p 81.

<sup>97</sup> Lord John Russell, Home Secretary between 1835-39, was said to have been against such a massive presence of clerics on the bench as it symbolised the Tory establishment. (Eastwood p 80).

<sup>98</sup> King p 111.



years. They included the Rev. George Burmester, Rector of Little Oakley in the Tendring Division, who was on the Commission of Peace between 1832 and 1892, a prominent figure at quarter sessions and an active chairman of the Tendring bench until only a year or two before his death at the age of ninety-seven.<sup>99</sup>

Using two manuscript lists of Essex magistrates which cover the years 1817-34 and 1849-64<sup>100</sup> it was found that 91 of the 352 magistrates in the first period were clergy, which is almost exactly the 26 percent quoted by Eastwood from the 1831 national return.<sup>101</sup> While the overall percentage of clerical magistrates does not change greatly throughout the early nineteenth century, the numbers do vary greatly within divisions, although the reasons are not always apparent. The largely rural division of Dunmow, for example, had the highest proportion of clerical JPs between 1817-34 (70 percent), but the figure had dropped to 29 percent by the period of the 1849-64 list. The isolated rural hundred of Dengie had the second highest proportion of clerical JPs (67 percent) between 1817-34, and 53 percent between 1849-64. The county-wide percentage between the two periods, however, remains static at slightly under 26 percent.

One partial explanation for the reductions in clerical magistrates may have been due to the work of the Ecclesiastical Commission which was, from 1836, campaigning against pluralism and determined to make 'better provision for the cure of souls'. Bishops may have begun trying to ensure that their clergy spent more time on parish work, which could have contributed to the drop in the numbers of clerical magistrates. However there may also have been a greater preponderance of eligible laymen prepared to serve. The Ilford division (one of the most urban), had only two

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<sup>99</sup> *Essex Review*, April 1892, p 27.

<sup>100</sup> ERO Q/JL 6, 8.

<sup>101</sup> Eastwood p 81.



clerical magistrates between 1817-34, and none at all in the 1849-64 list. It appears that there were enough suitable magistrates in that division without the need to recruit clergymen. Two of the Ilford magistrates were businessmen who had worked in London or further afield: Sir John Henry Pelly and William Cotton. They had either bought or inherited estates in one of the developing parishes on the edge of the metropolis, for example Ilford, Walthamstow, West Ham or Leyton. Pelly became a JP in 1814 after inheriting the estate of Upton in West Ham. He had been governor of the Hudson's Bay Company and, from 1841, a governor of the Bank of England. William Cotton, described as a merchant and philanthropist, was also on the bench from 1831. He was born at Leyton, and entering the business world, eventually became a governor of the Bank of England between 1843-45 and a director until 1866. Cotton took a leading part in the establishment of King's College London, and would have liked to have taken holy orders himself.<sup>102</sup> However, events dictated that Cotton's practical Christianity was expressed instead in the number of new churches he financed in the East End of London, a practice which earned him the honorary title of 'lay archdeacon.'<sup>103</sup>

The chairman of Becontree Petty Sessions (which met at Ilford) was Robert Dair. He was one of the two Essex JPs who gave evidence to the Select Committee of 1826-28 which considered the state of police in the metropolis. Dair made some scathing remarks about the JPs in his area, observing that 'the district is populated mainly by gentlemen connected by trade in London who have not time or inclination to devote to public duties'. He also felt that too many cases had to be committed to quarter sessions, and that magistrates in petty sessions should have more powers to

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<sup>102</sup> *Gentleman's Magazine*, Vol. 3, NS, 1867, p 11.

<sup>103</sup> *DNB*, Vol. 4, p 1246.



deal with minor thefts without always being obliged to remand offenders to a higher court. At the time of the Select Committee there were eleven JPs in the Becontree division - some were non-resident and not all were active.<sup>104</sup>

King based his judgments about magistrates' activity mainly on depositions and court attendance records, confining his study to property crime. He defined property crime as lawbreaking acts involving appropriation of goods, money or services by theft, fraud, receiving or extortion.<sup>105</sup> To make my own judgments about magistrates' activity in a later period to that studied by King, two different groups of archives have been sampled. Among the quarter sessions bills and vouchers is a series of body receipts which give details of men and women imprisoned for a variety of reasons, ranging from minor infringements like failing to provide a surety, to committal for trial. Body receipts provide personal information about people who might not otherwise appear in court records, and thus provide a good source to help to illustrate 'history from below'. As well as the name, offence and parish of the accused, there are details of the constable involved, and the magistrate who signed the warrant. The body receipts and related warrants for 1835, 1837 and 1840 have been indexed to provide one measure of JPs' activity in a small aspect of their duties. The second group of archives that have been analysed are three petty sessional minute books which were chosen because they covered approximately the same period, plus a volume detailing the JPs who attended the crown court of quarter sessions between 1825 and 1849.<sup>106</sup>

There were several ways in which a magistrate might have occasion to sign a

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<sup>104</sup> *Parliamentary Papers Vol. VI*, 533 (1828).

<sup>105</sup> King p 6.

<sup>106</sup> The records sampled are: the crown court of quarter sessions between 1830-45, and the petty sessions courts at Witham 1829-44, Freshwell 1828-46, and Ongar between 1830-35.



warrant, and thus demonstrate fulfilment of at least one minor duty. It was mentioned earlier that a JP was often required to sign warrants in his own home or, if already in court, could sign a committal warrant for a prisoner he had just tried. Alternatively, the magistrate might have been investigating a case on his own account and provided his own warrant. William Wright Luard of Witham, for example, carried out extensive enquiries into a number of cases of arson in the 1820s, and also conducted the interrogations.<sup>107</sup>

The JPs who signed the most warrants in 1835, 1837 and 1840 are shown in the Table below:

**Table 2.1 JPs signing most warrants 1835, 1837, 1840**

	<b>1835</b>		<b>1837</b>		<b>1840</b>
Rev CS Bouchier	30	J Boggis	111	Rev B Scale	48
W Davis	25	W Pearce	88	Rev T Brooksby	43
Rev T Brooksby	24	Rev T Brooksby	83	G Nottidge	43
Rev C Abdy	24	G Nottidge	58	J Boggis	18
Rev JP Chesshyre	19	J Lodwick	41	Rev T Scratton	15
J Ruggles-Brise	19	Rev B Scale	40	T Nunn	14
Rev Leapingwell	18	Rev CS Bouchier	37	J Pattisson	14
J Boggis	18	S Shaen	31	J Lodwick	13
Rev B Scale	12	Rev C Abdy	29	S Shaen	13
J Lodwick	9	Rev T Scratton	22	JM Leake	13
S Shaen	5	T Nunn	22	J Ruggles-Brise	12
G Nottidge	3	Rev JP Chesshyre	19	Rev JP Chesshyre	10
T Nunn	3	J Ruggles-Brise	19	Rev C Abdy	8
J Pattisson	1	JM Leake	16	W Pearce	6
JM Leake	1	W Davis	12	Rev Leapingwell	3
W Pearce	0	Rev Leapingwell	7	Rev CS Bouchier	2
Rev T Scratton	0	J Pattisson	2	W Davis	1
<b>Total in sample</b>	<b>502</b>		<b>777</b>		<b>558</b>

In most cases the figures suggest that signing warrants was a chance activity, and a high score in one year did not necessarily imply a high score in all three years. It is, of course, impossible to say where the warrants were physically signed, for

<sup>107</sup> Janet Gyford, *Men of Bad Character*, (Essex Record Office, 1991), p 16. [Hereafter Gyford No. 2].



example in a JP's house, or at a petty sessions meeting. While accepting that signing warrants was a minor part of a magistrate's duties, the figures in the three years of the sample suggest that most magistrates had minimal involvement in court work and left a relatively small group of colleagues to fulfil the bulk of such duties. This agrees with King's conclusions for the eighteenth century.<sup>108</sup> The chance element is reinforced by the identities of JPs signing most warrants varying from year to year. In 1835 and 1837, for example, the Rev. C S Bouchier signed 30 and 37 warrants respectively, but only two in 1840.<sup>109</sup> Two of the other major signatories were long-standing JPs. James Boggis<sup>110</sup> was appointed in 1818 and still serving in 1848, and Rev. Thomas Brooksby (appointed in 1809) was rector of West Hanningfield from 1801 until his death in November 1842.<sup>111</sup>

Magistrates attending either petty sessions or quarter sessions had their names recorded in minute books, and several from different courts have been compared with data obtained from the body receipts. To be sure of having at least some of the same JPs in both data samples, minute books were chosen which covered approximately the same years as the body receipts in the sample. The sample courts are: the Witham, Ongar, and Freshwell petty sessions and what was described as the crown court of quarter sessions (see below).<sup>112</sup>

By definition quarter sessions sat four times a year - Epiphany, Easter, Midsummer and Michaelmas. Each sitting of the court lasted for one or two days depending upon the numbers of cases to be heard, although 'adjourned sessions'

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<sup>108</sup> King p 112.

<sup>109</sup> The Rev. Charles Bouchier was the rector of Great Hallingbury.

<sup>110</sup> The Boggis family had been clothiers in the Colchester area in the eighteenth century. James Boggis lived at Great Baddow, near Chelmsford.

<sup>111</sup> ERO Q/JL 8 and White 1848. J A Venn (ed.), *Alumni Cantabrigienses Part 2, (1752-1900)*, Vol. 1, (Cambridge, 1940), p 398.

<sup>112</sup> ERO Q/SMg 36-38; P/NM 1; P/W M1, M10, M12; P/FM4.



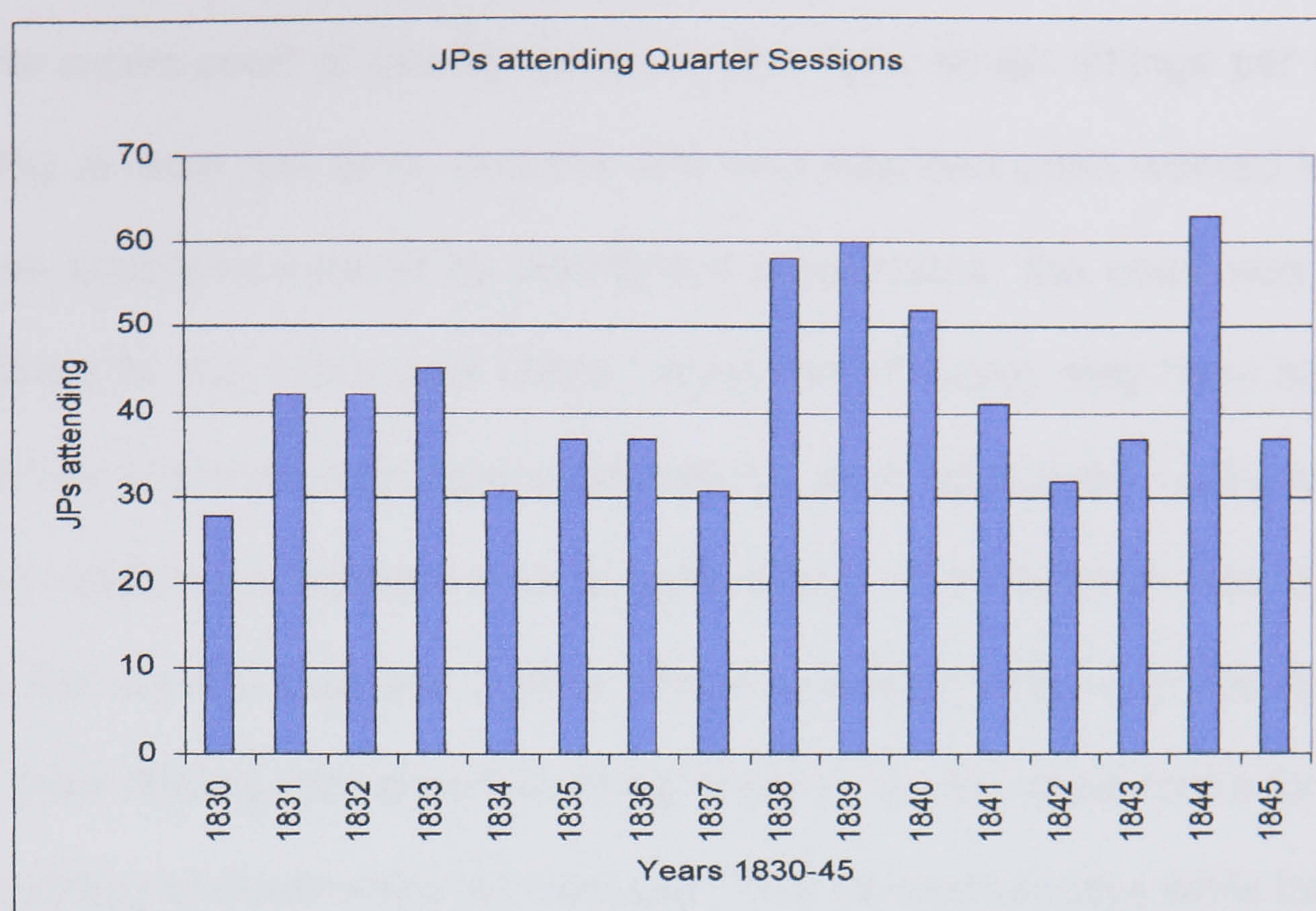
could be heard at other times. From 1819 quarter sessions at Chelmsford was divided into two parallel courts, described as the *nisi prius* court (mostly civil cases) and the crown court which usually heard only criminal cases, although sometimes the boundaries overlapped. In theory any magistrate was entitled to attend sittings of quarter sessions as well as the petty sessions for the area in which he either lived or owned land. It has been mentioned earlier that King considered quarter sessions attendances in the late eighteenth century as an unreliable measure of assessing magistrates' workloads, because of the difficulties of travelling from remote areas to Chelmsford where the county sessions were always held.<sup>113</sup> While this might have been a valid criticism for the late eighteenth century it is less valid for the mid-nineteenth century. Transport between major towns (especially by rail) improved by the mid-1840s, and Charles Gray Round, for example, often travelled by train to quarter sessions from his home near Colchester. The Rev. George Burmester was another regular attender at quarter sessions even though he was rector of Little Oakley near Harwich, but there is, unfortunately, no record of how he made the journey.

Figure 2.1 below illustrates the attendances of magistrates in the crown court of quarter sessions between 1830-45.

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<sup>113</sup> King p 111.



**Figure 2. 1 Attendances by JPs at Quarter Sessions**

It can be seen from Figure 2.1 that there were 28 attendances by JPs at quarter sessions in 1830, with a steady rise over three years before a drop to 31 in 1834. Some of the figures may be explained by the effects of spectacular cases, such as the trials of the Witham arsonists.<sup>114</sup> The increase in attendances around 1838-39 may also reflect concerns about public order in other parts of the country, as local newspapers fully reported Chartist meetings and related disturbances outside Essex. Court attendances of magistrates decreased to 32 in 1842, before rising to a peak of 63 in 1844 when there were several spectacular arson cases being tried. In the same year a series of fires in the Tendring Hundred led to the foundation of a Society for the Discovery and Prosecution of Incendiaries. Of the six magistrates present at its inaugural meeting four of them - T Nunn, J M Leake, J G Rebow and Rev. G

<sup>114</sup> See Gyford No. 2.



Burmester - were regular attenders at quarter sessions.<sup>115</sup>

The crown court of quarter sessions averaged seven sittings per year, each one lasting at least two days, and the JPs who attended often worked long hours. Apart from problems caused by insufficient magistrates, the court was becoming more efficient by the 1830s and 1840s. Increased efficiency may have been helped by appointing chairmen with legal qualifications, such as Disney, Leake and Round, rather than electing a different man at each sitting. The chairman was expected to organise the court's business before formal meetings began. In his diary for 14 October 1844 Round records an evening 'working on the depositions for sessions' before travelling to Chelmsford the next day.<sup>116</sup> He worked full days while the sessions sat, being in court on the first morning at ten o'clock, the day afterwards at nine o'clock and continuing 'at work trying prisoners till near 7 o'clock each evening'. However, at the adjourned sessions on 26 and 27 November 1844 he left his home at Birch very early and travelled to Chelmsford by train on both days, although the sitting ended at 2.30pm on the second day.<sup>117</sup>

Figure 2.2 below shows the number of court sittings between 1828-46 for the four courts being sampled, i.e. the crown court of quarter sessions, and the petty sessions of Freshwell, Witham and Ongar. The four bars reading from left to right in each block represent Freshwell (blue), Witham (red) Ongar (yellow) and quarter sessions (black). The three petty sessions courts varied in their frequency of scheduled sittings, although that did not necessarily mean there were always JPs present. Although the smallest sample of five complete years is from Ongar division, it is enough to see that with its relatively small number of magistrates and its

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<sup>115</sup> ERO P/CM 1/19.

<sup>116</sup> ERO D/DR F67.

<sup>117</sup> Ibid.



consistently high number of sittings on a variety of different days, Ongar JPs devoted a substantial amount of time to their court duties, despite the fact that seven of the fifteen JPs were clergymen.

Witham, Freshwell and Ongar petty sessions had a considerable variation in the number of annual sittings: Ongar averaged 50, Witham 22 and Freshwell 18. While a single JP could hear a limited range of offences and perform some administrative duties, most courts preferred at least three magistrates to be present. There is no indication that any of the sample courts had a duty rota for JPs and it was not unusual to have no JPs at all attending a scheduled hearing. This happened at least five times between 1841 and 1844 at Freshwell petty sessions. There were also frequent problems in getting a quorum at quarter sessions. An undated document sent by the Clerk of the Peace around 1839 asked each division to supply the name of a JP who would commit himself to attending every sitting of quarter sessions in order to ensure a quorum.<sup>118</sup> Lack of punctuality was also a problem. On 29 September 1829, for example, Samuel Shaen and Rev. Charles Dalton arrived at Witham court after Rev. William Gooday had started to hear a case.<sup>119</sup> Conversely, there are several examples in each minute book showing up to seven JPs attending one sitting - perhaps because there was an especially interesting case.

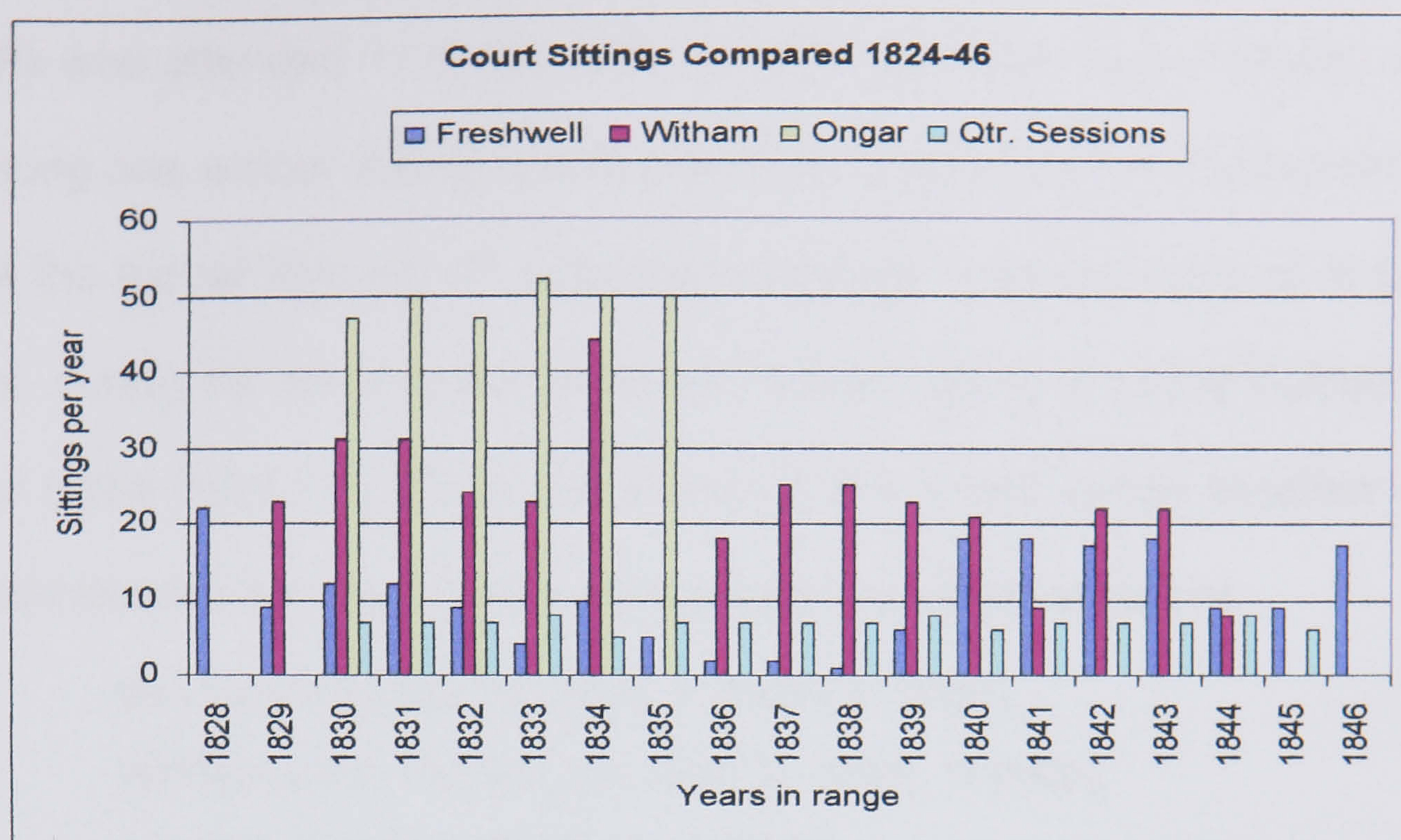
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<sup>118</sup> ERO Q/SBb 534/15/2.

<sup>119</sup> ERO P/MM 3. Magistrates' clerks were unpaid but could claim fees. They were usually local solicitors who were supposed to maintain court records, prepare legal documents and advise JPs. The post often ran in the same legal practice, for example Blood of Witham. Orbell Hustler, the Halstead clerk, was also the high constable of South Hinckford Hundred and deputy county treasurer. (White 1848, p 39). It does not seem as if they had the authority to draw up a duty rota.



Figure 2.2 Court Sitzings Compared



It can be seen in Figure 2.2 that the number of scheduled meetings of Witham magistrates rose significantly in 1830 and 1831. This was almost certainly due to the series of arson attacks which resulted in the hanging of a sixteen-year-old boy and the transportation of another youth.<sup>120</sup> Freshwell petty sessions had fewer scheduled meetings, but the numbers also rose slightly in 1831-32, possibly due to the arson attacks in that division also. The rise in the number of court sittings in 1840 may have been the result of the prosecution policy of the new county police over such matters as licensing infringements, 'furious driving' of carts, and public order offences at fairs.<sup>121</sup> At one level such offences seem fairly trivial, but from the insights of Foucault, they could equally well be interpreted as the ruling elite simply demonstrating power to control the lower orders, and thus help to maintain the *status quo*.

Witham and Freshwell petty sessions courts are also capable of a more direct

<sup>120</sup> Gyford No. 2 pp 16-24.

<sup>121</sup> Maureen Scollan, *Sworn to Serve*, (Phillimore, 1993), p 15. [Hereafter Scollan].



comparison.<sup>122</sup> The frequency of individual attendances at Freshwell ranged from three JPs who attended 11 times each, to 16 magistrates who attended only once, thus making one annual attendance the norm for magistrates on that bench. Between 1828-44 the typical Witham JP only attended petty sessions once or twice a year. However, during the same period there was a small group of active Witham JPs who attended more frequently. They are shown in the matrix below together with their highest annual attendances in the years covered by the court record.

**Rev John Newman:** 19 [1825], 17 [1826], 21 [1827].

**William Luard:** 16 [1828], 22 [1830], 22 [1831], 15 [1832],  
18 [1838], 14 [1839], 15 [1840], 14 [1843].

**Samuel Shaen:** 14 [1829], 18[1833], 4 [1834], 18 [1836], 21[1837].

**William Pattisson:** 16 [1840], 7 [1841], 21 [1842].

**Rev John Page Wood:** 20 [1838], 16 [1839], 16 [1842],  
19 [1843], 8 [1844].

The Rev John Newman was vicar of Witham from 1822 until he died, aged seventy-five, in May 1840.<sup>123</sup> From 1805 until his death Newman was also the vicar of Great Burstead and of Childerditch, which explains his relatively high attendances in the years 1825 and 1827, when he was comparatively new to Witham.<sup>124</sup> The attendance record of the other four magistrates implies a professional commitment to their duties, as Samuel Shaen was also active at quarter sessions. His high attendance, and that of William Luard, support the contention that by the 1840s there was a small group of magistrates who saw themselves as committed 'professional' magistrates.

<sup>122</sup> ERO P/FM 4 and P/MM 1-2.

<sup>123</sup> John Newman attended Corpus Christ College, Cambridge, before being ordained in 1790. (Venn *Alumni Cantabrigienses*, p 872).

<sup>124</sup> The volumes examined have been confined to the period of coverage common to all the courts in the survey. No attempt has been made to follow Newman's activities in his other parishes.



**Table 2.2 Ongar Magistrates' Attendances**

	<b>Rev. Deedes</b>	<b>Rev. Earle</b>	<b>Rev. Harvey</b>	<b>Rev. Barrett</b>	<b>Mr Cure</b>
1830	34	27	32	9	5
1831	30	30	43	5	13
1832	19	41	31	6	31
1833	22	41	31	26	27
1834	23	41	34	1	26
1835	27	42	12	43	34

Table 2.2 (above) shows Ongar Hundred magistrates' attendances for the five years covered by the attendance book. Three clergymen had consistently high attendances in each one of the sample years, while one other cleric and Capel Cure attended infrequently. The implication is that the maintenance of law and order in the Ongar area depended mainly on clerical magistrates.

It has already been shown that scheduling a court day without also arranging a rota of magistrates could mean that no one would turn up, either through apathy, or because there was a more interesting alternative. Conversely, it seems that there were occasions at the Colchester borough sessions when the opposite happened, as Charles Gray Round recorded in his diary for 9 April 1835 that there were 'many justices but nothing to do'.<sup>125</sup> Matters concerning the county police counted as especially interesting occasions at Chelmsford's quarter sessions when 'the usual cosy gathering of active, core magistrates' were joined by 'backwoods justices [who] bestirred themselves and descended on quarter sessions'.<sup>126</sup> Tuesday 11 February 1840 was such a day, when more magistrates than the *Chelmsford Chronicle* reporter had ever seen before crowded into the quarter sessions meeting which had been

<sup>125</sup> ERO D/DR F65.

<sup>126</sup> P & S p 168.



convened to select the first chief constable.<sup>127</sup> Charles Gray Round chaired the special meeting of quarter sessions that day and made the following entry in his diary:

To Chelmsford before 12. The town very full. At 12 business at Shire Hall... One hundred and twenty magistrates assembled. Choice of chief constable by committee affirmed in very handsome manner which relieved me and pleased me. Excellent choice.<sup>128</sup>

The 'excellent choice' was, of course, Captain McHardy. The Chelmsford petty sessions scheduled to sit that day had no magistrates present; and it was probably the same with any other petty sessions similarly scheduled.<sup>129</sup>

### ***A More Professional Bench?***

There had been subtle changes to the role of magistrate throughout the eighteenth century, and Landau's model of 'patriarchal' and 'patrician' JPs have been discussed earlier. There evolved a gradual division between those JPs who were active at petty sessions and/or quarter sessions, and those whose names were on the Commission of Peace but did not take their oath of *dedimus* in order to act. In 1792 the Middlesex Justices' Act introduced seven public courts in London, each with three selected justices and a clerk, all of whom had legal knowledge and were paid an annual salary. A stipendiary magistrate could operate in an individual capacity, and one of those appointed to the role was Patrick Colquhoun (see Chapter 1). By 1835 stipendiary magistrates needed to have a minimum of five years' experience at the bar before they could be appointed, and it was no longer of any account whether they claimed to be the natural leaders of their communities.<sup>130</sup> They exerted a different sort of authority from those unpaid gentlemen on the Commission of Peace who operated in county areas such as Essex.

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<sup>127</sup> Scollan p 5.

<sup>128</sup> ERO D/DR F64.

<sup>129</sup> ERO P/CM 1/19.

<sup>130</sup> Landau p 362.



From the early nineteenth century there was an increasing need for magistrates to adopt a more professional approach to their increasing duties by, for example, committing themselves to attending court regularly on specified dates and reading relevant publications which increased their knowledge. While Glasse's *Magistrates' Assistant* was already available, the *Justice of the Peace Magazine* was launched in 1837 to 'provide the speediest information upon all subjects of professional interest to justices, clerks of the peace and petty sessions, town clerks and parochial officers'.<sup>131</sup> Quarter sessions agreed to subscribe to the *Justice of the Peace Magazine* on 3 January 1837, although it is not known whether Essex magistrates made use of the advice columns, as all early letters were published under a pen name.<sup>132</sup>

While quarter sessions continued to be the pivot of county government, an increase in national legislation and moves towards centralisation slowly began to alter the balance of power. Aristocrats like Lords Braybrooke and Rayleigh were still influential because of who they were, but the 'inner cabinet' at quarter sessions also included men like Disney, Shaen, Leake and Round who were influential because of what they were.<sup>133</sup> There was a gradual shift from the patriarchal model of JP who was prepared to dispense elementary justice and mediate outside the confines of a court, to the patrician model of JP who took pride in imposing the law in a disinterested fashion for the public good as they perceived it. They also tended to see law as having a national rather than merely local implications.<sup>134</sup> As Emsley suggests, both types of JP had always been around but the latter began to dominate from the

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<sup>131</sup> William Eagle & J L Jellicoe (eds.) *Justice of the Peace Magazine*, Vol. 1, (1837).

<sup>132</sup> ERO Q/SMg 26.

<sup>133</sup> John Martin Leake was appointed to the Commission in July 1811. (ERO Q/SBb 521/70).

<sup>134</sup> Landau p 359.



middle of the nineteenth century.<sup>135</sup>

Attempts to professionalise the magistrates' role in the 1840s do not seem to have been directly inspired by the economic, social and political changes that were taking place, or by assemblies and demonstrations of Chartists and others. However, the 'year of revolution' of 1848, and the expected Chartist demonstrations, had long been anticipated, and may have led to the introduction in that year of four Bills to the House of Commons designed to restructure some of the ways in which JPs worked. In making his proposals, the Attorney General observed that while some MPs were concerned about the numerous powers of unpaid magistrates, he felt it was Parliament's duty to assist them by consolidating all the relevant statutes and decisions which affected them, but also adding 'some new matter'.

The Acts took effect in October 1848. They were meant to help magistrates deal with indictable and summary cases at quarter or petty sessions, regulate the holding of special courts, and protect magistrates from the consequences of 'vexatious actions done by them in execution of their office'. The 'new matter' allowed each county to provide court buildings for their justices and finance them out of county rates.<sup>136</sup> It had long been a source of discontent that most sittings of JPs took place in licensed premises where -

Witnesses are often primed at the tap, and more easily commit perjury under its influence when brought before the magistrates; and the connexion between solemnity and a court of justice, whichever ought to exist, is entirely lost under the roof of mine host.<sup>137</sup>

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<sup>135</sup> Clive Emsley, *Hard Men: Violence in England since 1750*, (Hambledon & London, 2005), p 101.

<sup>136</sup> Hansard 3rd Series, Vol. LV, 28 June-2 Aug. 1848, p 762. [Hereafter Hansard].

<sup>137</sup> Letter from 'Lex' to *The Times*, 5 February 1848. In the 1850s Essex built a number of magistrates' courts which were attached to police stations, for example at Halstead, Castle Hedingham, Thorpe-le-Soken and Rochford. See Chapter 7 for McHardy's comments about the style of police station, and plans of Halstead police station and court in 1851.



An additional clause in the third Bill allowed magistrates' clerks to be paid a salary from the county rate, although it was also proposed to retain their rights to claim fees under certain circumstances. Fees were to be on a uniform scale for the whole country, as agreed with the Home Secretary: a clear sign of increased central control, despite earlier opposition from some magistrates. There was very little parliamentary debate in 1848 on any of the four Bills, although one MP wanted to tighten up the procedures for appointing magistrates, because of what he saw as unhealthy influences on people who were not paid for their work. He objected to the selection of magistrates being based on wealth since 'a man scarcely able to write his name [who] happened to succeed to an estate or fortune of £10,000 a year, must be clapped in the Commission of Peace immediately.'<sup>138</sup> This chapter has discussed the origins of Justices of the Peace and shown how a number of Essex men came to be appointed to that office. It has also examined some of the influences upon the men who became magistrates in the late eighteenth and early nineteenth centuries, and drawn attention to the increasing professionalism of JPs which was acknowledged in the Acts of Parliament introduced in 1848 to formalise some of their existing practices.

It is clear that moves towards greater professionalism were part of a general trend in early nineteenth century society, which also saw new standards of recruitment and training for organisations such as the church, the army and the legal profession, although recruitment by examination for the civil service was not finally allowed until 1870. The changes at local level for magistrates that I find most significant were firstly the evolution of a nucleus of keen and active JPs who were not solely identified with a particular area, and who clearly perceived themselves as

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<sup>138</sup> Hansard p 762.



committed professionals. The second significant shift was the evolution of the role of chairman from a short term 'pressed' appointment into an office of honour held for long periods by a legally qualified and experienced JP. These two changes together most certainly helped to project a professional image for Justices of the Peace. While men like Leake and Round did sometimes sit at their local petty sessions and sign the occasional warrant, the indications from Round's diaries are that he and his senior colleagues perceived their main role as a part of the central organisation that had quarter sessions as its core. In Landau's definition, they had evolved from mostly patriarchal to mostly patrician JPs.<sup>139</sup> However, as these changes were developing, there were still many other magistrates who rarely took the active role that they might have had.

Many of the background ideas for this thesis are concerned with power and authority and the implications of county centralisation versus national control, and this chapter on Justices of the Peace has allowed them to be examined in some detail. Magistrates play a key role in the development of policing, both before and after the 1839 County Police Act, and the next chapter will examine some of the ways in which local policing operated in practice as the balance of control slowly shifted.

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<sup>139</sup> Landau p 359.



## CHAPTER 3

### LOCAL JUSTICE IN ACTION

'Our present police consists of disjointed bodies of men governed separately, under heterogeneous regulations, and acting, for the most part, under the earliest set of expedients ... A good police would be one well-organised body of men acting upon a system of precautions, to prevent crimes and public calamities, to preserve public peace and order, and to perform whatever other useful functions might be comprehended in their duties'.<sup>1</sup>

This chapter will examine the origins and development of a number of policing schemes which were operating in Essex in the 1830s, the final decade in which petty constables were the sole law enforcement agents in the countryside.<sup>2</sup> Among the schemes considered are those with constables appointed by courts leet and parishes, those established under the Lighting and Watching Acts of 1830 and 1833, and a subscription police force. The 1830s was a decade in which the office of petty constable was increasingly subject to attack from magistrates and politicians. Constables were stereotyped as being uneducated petty tradesmen or mechanics, with a total ignorance of their duties, and a reluctance to fulfil their responsibilities because of a desire to remain on good terms with their neighbours.<sup>3</sup>

The principal focus of this thesis is on the constables themselves, their role, and their liaison with other bodies. It will be shown that petty constables had a wide range of duties and responsibilities within their communities. Many examples will be given of constables holding office, sometimes for many years, and acquiring not just an expertise but real respect from their communities. In his recent article on the policing of forgery, for example, Randall McGowen has shown how the Bank of

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<sup>1</sup> Edwin Chadwick, 'Preventive Police,' in *London Review of 1829*, Vol. 1, pp 252-3. Quoted on p 148 of David Taylor, *The New Police in Nineteenth-Century England: Crime, Conflict and Control*, (Manchester University Press, 1997), p 148.

<sup>2</sup> David Philips & Robert Storch, *Policing Provincial England 1829-1856*, (Leicester University Press, 1999), p 11. [Hereafter P & S].

<sup>3</sup> Ibid.



England and its solicitors relied extensively on the skills of local constables to help them deal with 'a serious and extensive criminal challenge' involving country-wide forgery.<sup>4</sup>

In 1825 Robert Peel perpetuated the stereotype of parish constables being incapable of responsible work, when he announced his intention of giving one of their administrative jobs to churchwardens and overseers whom he considered more respectable. Peel declared that petty constables were 'frequently unable to read or write and [were] too frequently open to seduction'.<sup>5</sup> James Booth, constable of Abrigg in West Yorkshire, was incensed when he read a newspaper report of the speech and expressed his views in a letter to Peel:

I cannot pretend sir to know from what source you have obtained your information respecting the conduct of petty constables ... but to apply it to the constables of ... Abrigg is totally false. There are men who are equally respectable with the churchwardens and overseers, and there is scarcely one of them who has not filled both those offices: they are likewise better qualified to make the return for jury men than the churchwarden can be ... I am as independent in principle and fortune as you or any man, and I could if I choose be made a churchwarden next Easter ...<sup>6</sup>

Booth's occupation is unknown, but he appears to have been an intelligent and literate man. Moreover, while the ability to write such a letter was not common to all parish constables nor was it unique. In Essex, for example, Edmund Champness, parish constable of Epping, wrote regularly to the local press on a variety of themes.<sup>7</sup>

This chapter uses as its starting point a survey of peace officers made in

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<sup>4</sup> Randall McGowen, 'The Bank of England and the Policing of Forgery 1797-1821,' in *Past and Present*, No. 186, February 2005, pp. 81-110.

<sup>5</sup> British Museum Add. MSS. 40374 ff. 233.

<sup>6</sup> Ibid.

<sup>7</sup> In the *Chelmsford Chronicle* of 17 January 1840, for example, Champness wrote a letter to quarter sessions petitioning for fairer expenses for constables. He cited his current case which had fifteen witnesses and five indictments. The rate of payment for constables was then 5s a day and 3d a mile. In the *Chelmsford Chronicle* for 8 January 1842 Champness was offering advice to agriculturalists on the protection of their property.



1832.<sup>8</sup> It then moves on to discuss three different kinds of policing structures which were mentioned in the survey as functioning in the decade before the county police was established. These were constables appointed by courts leet, police established under lighting and watching acts, and constables appointed for a specific parish. While the evidence is often fragmentary, it does suggest something that often seems to have been ignored in earlier histories of policing, namely that the old structures sometimes continued to operate in parallel after the county force was introduced. How the county force was set up and operated is discussed in Chapters 4 and 5. But it will be clear from what follows here that, during its early years, county policemen functioned alongside and often in conjunction with traditional constables.

### ***The 1832 Survey of Peace Officers***

In December 1831 a letter was sent by Viscount Melbourne, Home Secretary, to the chairman of Essex quarter sessions, requesting details of all peace officers in the county. The reasons for the request are unclear, but two possibilities present themselves. In December 1830 and the early part of 1831 Essex suffered fires and disturbances usually linked to 'Captain Swing'. Large numbers of special constables were sworn in, and the government took a keen interest in the situation. It is possible that the desire for information on policing was part of the strategic planning against further such eventualities. However, there was also a survey of peace officers in Kent in the same year, which suggests the survey may have been linked to Whig-led plans to introduce a national police scheme with stipendiary magistrates in 1832.<sup>9</sup> However, the cabinet paper proposing what would have been a national police force was abandoned in the confusion of the Reform Bill crisis, problems with rioting miners in

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<sup>8</sup> ERO Q/CR 7/1.

<sup>9</sup> P & S p 72.



the north, and 'Captain Swing' disturbances in the south.<sup>10</sup>

The survey of peace officers was sent to the Home Office on a summary form, but a copy was preserved locally.<sup>11</sup> It provides a useful 'snapshot' of the way in which the county was policed by constables, watchmen and headboroughs in 1832, and the different pieces of legislation and administrative structures involved. Each community was asked to list the numbers of its officers and to indicate how many were active.<sup>12</sup> Details were also required of the officers' ages and periods of appointment, and whether or not they were paid. The survey was arranged by Hundred and sub-divided by community: contrary to the assumptions of Philips and Storch, some of those communities were hamlets rather than parishes.<sup>13</sup> A hamlet was usually a group of houses or a small village, often without its own church.<sup>14</sup> The 1832 survey shows that hamlets often had a separate administrative structure distinct from the parish in which they were located, and that most of them appointed their own peace officers. Four such examples are Chatley Hamlet in the parish of Great Leighs, Holyfield Hamlet and Upshire in the parish of Waltham Holy Cross and Moulsham Hamlet in the parish of Chelmsford.<sup>15</sup> A ward was one of the divisions of an ancient parish, and sometimes wards also had their own peace officers. Two examples are the Wards of Chadwell

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<sup>10</sup> David Philips & Robert Storch, 'Whigs and Coppers: the Grey Ministry's National Police Scheme 1832,' in *Historical Research*, Vol. 67, Number 162, February 1994, pp 75-90.

<sup>11</sup> ERO Q/CR 7/1.

<sup>12</sup> The use of 'headborough' as an alternative name for constable dates from Anglo-Saxon times with the use of tithings - groups of ten or twelve householders which were held responsible for the behaviour of each member. John Richardson, *The Local Historian's Encyclopedia*, (Historical Publications, 1989), p 32. Four Essex parishes bordering London were still using the term 'headborough' in 1832 to describe some of their peace officers: Barking, Dagenham, East Ham and West Ham. (ERO Q/CR 7/1).

<sup>13</sup> P & S p 4.

<sup>14</sup> *Shorter OED* p 858.

<sup>15</sup> ERO Q/CR 7/1.



and of Ripple which were part of the ancient ecclesiastical parish of Barking.<sup>16</sup>

A total of 810 officers were mentioned in the survey - although not by name - and many of the 402 communities had at least two peace officers; 95 percent (771) of them were considered to be active by the persons completing the return. Although the ages of officers are mentioned, some may be approximate - especially in the parishes which recorded all their constables as being the same age. The youngest peace officers were those at Little Henny and Beaumont; both were aged seventeen. Little Canfield and Great Wigborough followed closely with constables aged eighteen and twenty-one respectively. Bradwell-juxta-Coggeshall had the oldest constable at seventy-seven, while Childerditch and Sutton returned constables who were seventy and seventy-one respectively. These were extremes, however, as the average age for peace officers throughout the whole Essex survey was forty-one.<sup>17</sup>

While respondents were asked not to include details of special constables, the parish of Stondon Massey near Brentwood did so.<sup>18</sup> As well as the sole constable, there were 'three farmers, two servants, four labourers and one pensioner who are special constables and were appointed in December 1830 and not discharged. Three have left the parish and one is dead'.<sup>19</sup> Ilford mentioned the Bow Street horse patrol, which it said was provided by the Secretary of State to patrol roads in the area.<sup>20</sup>

### ***Constables appointed by Courts Leet***

The survey illustrates how different types of peace officers were appointed. They were, as explained above, constables appointed by courts leet, the two lighting and

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<sup>16</sup> P H Reaney, *The Place-Names of Essex*, (Cambridge University Press, 1935), p 89.

<sup>17</sup> ERO Q/CR 7/1.

<sup>18</sup> For more details of how special constables operated see Chapter 4.

<sup>19</sup> December 1830 -1831 was a time of agricultural unrest, see later in this chapter.

<sup>20</sup> H H Lockwood, 'The Bow Street Mounted Patrol on Essex Highways,' in *Essex: 'full of profitable things'*, edited by K Neale, (Leopards Head Press, 1992), pp 311-318.



watching acts, and those working under a 'private enterprise' scheme in Walthamstow.

The distinction between manorial courts leet, courts baron and customary courts is complicated, and originates in seventeenth-century legal theory which sought to impose a uniform system where none had previously prevailed. Originally the customary court dealt with bond tenants and the court baron with freeholders. The leet, with view of frankpledge, dealt chiefly with the election of manorial officers.<sup>21</sup> Up to the middle of the seventeenth century the leet also dealt with petty misdemeanours and nuisances, many of which could either be tried by the leet or quarter sessions.<sup>22</sup>

Philips and Storch imply that constables were originally officers of the manor, and that a majority of early nineteenth-century constables (64 percent) were still chosen by courts leet. Evidence for their assertion was taken from reports made in 1836 by petty sessions divisions to the Constabulary Force Commissioners.<sup>23</sup> Philips and Storch's contention that courts leet had largely ceased to function in many counties including Essex is partially supported by local evidence. While the 1832 survey recorded 402 communities, there were three times that number of manors existing in parallel. Not every manor, however, had surviving records or continued to hold a court leet.<sup>24</sup> Respondents to the 1832 survey were asked how their officers were appointed and by whom. Although a number failed to provide a clear response,

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<sup>21</sup> In Anglo-Saxon times each area was divided into tithings - ten or twelve households held corporately responsible for the behaviour of each other. The tithing was also responsible for ensuring that any of its members accused of an offence was available to answer the charge. This system was called 'frankpledge,' and at a court leet the 'view of frankpledge' regulated the working of the tithings. Representatives of tithings were called headboroughs or borsholders in some areas. John Richardson, *The Local Historian's Encyclopedia*, (Historical Publications, 1989), p 32-33.

<sup>22</sup> F G Emmison, *Guide to the Essex Record Office*, Vol. 2, (Essex County Council, 1969), p 89.

<sup>23</sup> P & S p 14.

<sup>24</sup> In 1969 the Essex Record Office had archives for approximately 930 of those manors. FG Emmison, *Guide to the Essex Record Office*, Vol. 2, (Essex County Council, 1969).



28 Essex communities out of the 402 in the survey reported their officers as having been appointed by a court leet. Most leets held an annual meeting, and some were in important places like Chelmsford. Table 3.1 (below) shows the number of peace officers appointed by courts leet in each Hundred, although no discernible pattern has been detected. There were also a number of communities which had some constables appointed by a leet and others appointed by the parish, although they all appear to have worked together. Attention will be drawn to some examples later in the chapter.

**Table 3.1 Hundreds and communities having constables appointed by courts leet in 1832**

<b><i>Hundred</i></b>	<b><i>No. of communities.</i></b>	<b><i>Leet cons.</i></b>
Barstable	35	1
Becontree	10	5
Chafford	15	3
Chelmsford	29	4
Clavering	7	1
Dengie	20	2
Dunmow	24	4
Hinckford N & S	50	3
Lexden	14	1
Uttlesford	23	4
<b>Totals</b>	<b>227</b>	<b>28</b>

In the following pages a closer examination will be made of constables appointed by two specific courts leet. These were chosen because they were in different parts of Essex and had records covering the period around the 1832 survey. The first is Castle Hedingham in Hinckford Hundred.

Castle Hedingham is in north Essex, about four miles from Halstead, and was described in 1848 as 'a large and well-built village ... with a castle originally owned by



the Earls of Oxford.<sup>25</sup> In the 1832 survey Castle Hedingham recorded two constables, each aged fifty-two years. As the surviving manorial records are incomplete, it has only been possible to name the constables appointed by the leet between 1779 and 1841.<sup>26</sup> It will be seen in Table 3.2 overleaf that in 1832 George Corder ended a twenty-year period of continuous service. For thirteen of those years he shared the role of constable with Jeffrey Carter who had been first appointed in 1819. During the first six years of George Corder's service (1812-18) his fellow manorial constable was John Corder, who had served continuously since 1795. There is a strong possibility that John and George Corder were related, although it has not been possible to prove it conclusively. Several different families named Corder were producing children in Castle Hedingham and adjoining parishes in the relevant period, and as the same Christian names were used repeatedly it is virtually impossible to identify specific individuals.<sup>27</sup>

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<sup>25</sup> White's *Directory of Essex*, 1848, pp 698-90. [Hereafter White 1848].

<sup>26</sup> ERO T/P 219/2.

<sup>27</sup> No baptismal entry for George Corder was found in the Hedingham records, so it has not proved possible to confirm whether John Corder was his father. The only reference to John Corder, constable, was his payment of tithes on the hops he had grown in 1795. (ERO D/DMh E41).



**Table 3.2 Hedingham constables appointed by the leet**<sup>28</sup>

1779	James Digby	Robt Eagle
1781	Wm Digby	Jas Hawkins
1782	Edw Copping	Jos Crussell
1783	Jos Myall	John Fitch
1784	Sam Brooks	Jos Watkins
1786-87	Richard Dansie	Sam Long
1788	Jas Digby (jun)	Wakelyn Moody (sen)
1789	Robt Eagle	Wakelyn Moody (sen)
1790	Geo Cheveley	James King
1791	Wm Woolsey	James King
1792	John Cock	Isaac Mayes
1794	John Myall	John Dansie
1795	John Corder	Richard Dodson
1798	John Corder	Thos Percivall
1800	John Corder	Robt Alliston
1801-1802	John Corder	John Gatwood
1803-1804	John Corder	Wm Fenner
1805-1811	John Corder	---
1812-1818	John Corder	George Corder
1819-1832	Jeffrey Carter	George Corder
1833	Wm Hardy	John Stubbing
1834-36	Wm Mason	John Stubbing
1837-41	Wm Laver	John Stubbing

The second court leet to be examined is that of Writtle in the Chelmsford Hundred. Writtle is a large and attractive village about three miles from the centre of Chelmsford. Originally part of a Liberty<sup>29</sup> with the neighbouring community of Roxwell, it was described in 1848 as one of the largest parishes in the county, comprising more than 8000 acres of woods, pasture and common land with isolated houses. The parish was divided into four 'quarters', each of which was a separate community

<sup>28</sup> ERO T/P 219/2.

<sup>29</sup> A Liberty had rights that were independent of the county administration, one of which was the right until 1888 to appoint its own coroner.



appointing its own parish officers, including constables. The population in 1841 was 2521.<sup>30</sup>

Writtle has a long series of manorial records, probably because of its earlier status as a royal manor and its later ownership by the Petre family.<sup>31</sup> In the 1832 survey Writtle was one of the 12 percent of Essex communities whose constables were appointed by the leet, and that practice continued until 1912, although their powers to deal with criminal matters were removed in 1842.<sup>32</sup>

The Writtle court leet was held annually on a specified feast day which fell in late May or early June. The records contain the names of men appointed as constables for each of the four quarters of the parish between 1806 and 1859. After 1859 the number of constables was reduced to three. The three continued to cover the quarters of Highwood, Beadles End and Roxwell until 1861 when the Roxwell constable was abolished. Two constables were appointed for Highwood and Beadles End until 1912, although by that time their role was largely symbolic.

At the start of each sitting of the leet a jury of twelve local men and a foreman were appointed. Because offences were presented collectively to the leet by the jury, it is not possible to determine how much a manorial constable contributed to the 'prosecutions', which from 1840 onwards mostly relate to trespass or nuisances. One man was amerced (fined), for example, because he 'stubbed up and enclosed the same Queen's Common or Highway for half a mile'.<sup>33</sup> Although all constables were also appointed as surveyors of weights and measures there do not appear to be any

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<sup>30</sup> White 1848 p 367.

<sup>31</sup> The main Petre family seats were at Thorndon Hall near Brentwood and Ingatestone Hall in the parish of Ingatestone. Most of Thorndon Hall was destroyed by fire in 1878.

<sup>32</sup> The Parish Constables Act of 1842, (5 & 6 Vic. c109), removed such rights. The Manor of Gt Burstead, also owned by the Petre family, had constables appointed by the leet until 1893. (ERO D/DP M932).

<sup>33</sup> ERO D/DP M1465.



presentments for those offences in the leet records. There may, therefore, have been a procedure for such infringements to have been automatically reported to petty sessions.

The Writtle leet did not operate in isolation. Its constables were answerable to JPs and could be involved in the same range of duties as constables appointed by a parish. In September 1830, for example, Robert Resker served summonses on three men who had failed to repay money loaned to them by the parish overseer.<sup>34</sup> Writtle constables served summonses and executed warrants, as well as making the occasional self-generated arrest. In 1840, for example, Charles Porter, constable between 1816-1846, complained of being seriously assaulted by John Reed, a man he had arrested for drunkenness on numerous occasions.<sup>35</sup> The surviving Writtle overseers' records are limited, but as far back as 1735 the vestry was authorising the constables' accounts although the men themselves had been appointed by the leet.<sup>36</sup> It is possible that the parish of Writtle may also have occasionally appointed a constable, for in 1806 John Griggs is shown in the overseers' records as a constable, although his name is not amongst those appointed by the leet.<sup>37</sup>

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<sup>34</sup> ERO P/CP 54 bdl. 2.

<sup>35</sup> Ibid.

<sup>36</sup> ERO D/P 50/8/1.

<sup>37</sup> ERO D/P 50/8/3.



The table of Writtle constables below shows that it was common for men with the same surname to be appointed by the leet. Attempts to establish family relationships and/or occupations by using the 1841 and 1851 census returns have been inconclusive, since it was common practice to use the same Christian names in different generations of a family. Like Castle Hedingham, Writtle also has many examples of different families with the same surname. While there is no obvious pattern for the appointments made by Writtle leet, it was usual for men to have long periods of service, usually in the same quarter. However, Robert Resker and Thomas Norrington are exceptions. Resker was constable for Town quarter between 1806-1812, and then served as constable for Beadles End between 1813-1833. Norrington was constable for Roxwell in 1822 and for Highwood in 1824.<sup>38</sup>

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<sup>38</sup> Although it is not a common name, a man named Robert Resker also served as constable for the nearby parish of Springfield between 1789-1791. It may have been his father.



**Table 3.3 Writtle constables 1806-1858 arranged by Quarter***Name codes are in the footnote<sup>39</sup>*

<b>Years</b>	<b>Beadles End</b>	<b>Town</b>	<b>Highwood</b>	<b>Roxwell</b>
1806-12	Q	B	V	N
1813	B	K	E	N
1814	B	K	E	W
1815	B	K	E	J
1816-21	B	C	E	J
1822	B	AF	E	AA
1823	B	C	F	A
1824	B	C	AA	J
1825	B	C	X	J
1826-29	B	C	L	J
1830-31	B	C	L	A
1832-33	B	C	F	A
1834-35	U	C	F	A
1836-37	AH	C	F	A
1838-40	AJ	C	F	A
1841	S	C	AB	A
1842	AS	C	G	A
1843-45	R	C	G	A
1846	Y	C	G	A
1847	D	C	G	A
1848	D	Z	M	A
1849-51	D	P	M	A
1852	D	P	H	A
1853-55	D	AE	H	A
1856	D	AG	H	A
1857	AK	AG	H	A
1858	AK	T	H	A

Although the first national census was taken in 1801 it did not include names

<sup>39</sup> ERO D/DP M1462-1465. Names and codes are: Adkins ,Thomas - G; Baile, Thomas - Q; Bailey, Samuel - R; Blythe, William - S; Brazier, Samuel - M; Bright ,Wm - A; Bush, Thomas - J; Collicot, William - T; Collier, Thomas - U; Fitt , James - P; Flack , James - V; Flack, George - E; Flack Francis - F; Haynes, John - H; Horsnell, Charles - W ; Humphreys, Joseph - L; Lucking , Thomas - X; Miller, Samuel - Y; Miller, John - Z; Norrington, Thomas - AA; Nottage, Henry - AB; Osborne, James - AC; Pearson , William - AE; Porter, Charles - C; Porter, James - AF; Resker, Robert - B; Saltwell , Walter - AG; Turner, William - AH; Webster, James - K; White, Thomas - D; Whybrow, William - N; Wilks, George - AJ; Wood Joseph - AK.



until 1831, and then only the name of the head of each household. For that reason (and its consequently limited use for family historians) most county record offices do not have full copies of the 1831 census. However, the Essex Record Office has copies of the census enumerators' returns for 1841-1881 on microfiche. Those for 1841 recorded names and exact ages of children up to fourteen; older people's ages are given in five year groups indicated by the lowest age.<sup>40</sup> The 1851 census is the first to record exact ages, relationships to the head of the household, and marital status.<sup>41</sup> The 1841 and 1851 census enumerators' records have been used to gain some details of men acting as Writtle constables. In the 1841 census, for example, there are three men in Writtle named Charles Porter, although it is not immediately obvious which was the constable in 1847. The first Charles Porter was a widower aged sixty-eight (described as a 'shoer'), whose adult son and daughter lived with him. The second was a labourer aged twenty-five living in lodgings with his family that included two small children, while the third was a thirty-nine-year-old married agricultural labourer living with his family, which included sons aged thirteen and ten. The 1851 census also includes two men named Thomas White, the first a butcher aged thirty-three, living with his wife. The second was a seventy-seven-year-old man living with his wife, widowed daughter and the latter's two children.

Flack was a common surname in nineteenth-century Writtle. There appear to have been several families of that name who were not directly related, and some who were not entirely law abiding. While serving as the constable for Highwood in 1821, George Flack was presented at the leet for two cases of trespass. He had dug up and

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<sup>40</sup> For example, someone of fifty-three is recorded as fifty. The only clue to an individual's birthplace in the 1841 census is a 'Y' or 'N' response to a question asking if they were born in that county.

<sup>41</sup> John Richardson, *The Local Historian's Encyclopedia*, (Historical Publications, 1989), p 72.



removed three roods of clamp<sup>42</sup> - for which he was fined ten shillings, and he had also taken 60 loads of gravel for which he was fined £3. In December 1830 a man named George Flack (possibly the former constable) was one of a group summoned for being involved in stealing hay. The case was hotly contested and the petty sessions papers were endorsed 'after several hearings dismissed'. Ten years later, in March 1840, a George Flack was summoned for driving a cart 'furiously' on the highway and fined £5.<sup>43</sup>

Full census enumerators' records begin too late to identify the James Flack (code V) who was constable of Highwood between 1806 and 1812, although there is a man of that name in the 1841 and 1851 census returns who may have been his son. In the 1841 census James Flack's age was given as fifty (see footnote above), but his precise age in the 1851 census was recorded as sixty-four. James Flack was succeeded as constable by George Flack (code E), and briefly by Francis Flack (code F). As there was only one man with that Christian name, it looks as if Francis had an eight year break before starting a long period as constable which only ceased in 1840. In the 1841 census Francis Flack is a seventy-year-old man living in the family of William Flack, a thirty-year-old agricultural labourer - presumably his son. There are a few documentary glimpses of Francis Flack in action as constable. In July, November and December 1835, he claimed expenses for dealing with the committals of a vagrant, someone cutting wood, and three cases of unspecified felony. Between February and August 1837 he also dealt with four individuals committed for

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<sup>42</sup> A pile of bricks or earth in which to store potatoes. *Shorter OED*, p 319.

<sup>43</sup> ERO P/CP 33.



unspecified felonies, two for examinations on suspicion of felony and one vagrant.<sup>44</sup>

The next longest serving constables were Thomas White (1847-56: code D) and John Haynes (1852-58:code H). Shorter periods were served by William Pearson (1853-55:code AE), Walter Saltwell (1856-57:code AG) Henry Nottidge (1841-42:code AB), Thomas Adkins (1842-47:code G), and James Fitt (1849-52:code P).<sup>45</sup> William Pearson, constable between 1853-55 appears in the 1851 census as a forty-six-year-old shoemaker, living with his family which included sons aged twenty, sixteen, and two. William Collicot (constable between 1857-58) was a twenty-three-year-old tailor in 1851 who lived with his widowed mother in her beerhouse. James Fitt, constable between 1849-52, had an unexpected occupation as the 1851 census shows him as a twenty-nine-year-old hairdresser, born in Norfolk.<sup>46</sup> In 1850 (while he was still constable) James Fitt was presented at the court leet for a trespass, during which he had dug up half a rood of turf and taken it away.<sup>47</sup> Fitt was fined 1s 3d but continued as constable until October 1852. The fact that he was removed from his post at an ordinary court baron rather than the court leet suggests a disciplinary reason, although no mention is given in the records.<sup>48</sup>

Under the amended County Police Act of 1840 chief constables were empowered to appoint men in each parish willing to act as local constables. Chief Constable McHardy adopted the power, and in December 1840 a return was made to Chelmsford division justices giving details of nominations for those to be made local

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<sup>44</sup> While it is not clear from the bills and vouchers whether he was actually the arresting officer in each of these cases, it does suggest that he was at court and available for escort duty, even if he was not originally 'the officer in the case'. (ERO Q/FAb 105-108).

<sup>45</sup> ERO D/DP M1465-67.

<sup>46</sup> In White 1848 (p 360), Fitt is still shown as a hairdresser in the village.

<sup>47</sup> A rood is a variable measure varying from six to eight yards. *Shorter OED* p 1751.

<sup>48</sup> ERO D/DP M1465.



constables. Each applicant was to be capable of 'reading, writing and keeping accounts', and the returns give each man's name, age, occupation, parish, and previous experience. The Writtle nominee was George Wilks, a thirty-four-year-old shoemaker (code AJ), and leet constable since 1838. The ages of those nominated by other parishes in the Chelmsford division ranged from twenty-four to sixty, with a median age of thirty-eight. Their occupations are shown below:

**Table 3.4 Occupations of local constables nominated in Chelmsford division 1840**<sup>49</sup>

baker	1	painter	1
bricklayer	1	parish officer	2
butcher	4	servant	1
carpenter	2	shoemaker	3
farmer	4	shopkeeper	2
gardener	1	thatcher	1
labourer	4		
mealman	1	<b>TOTAL</b>	<b>28</b>

Twenty of the men (71 percent) had previously served as constables, and several of them indicated that they were serving at the time the return was made. Their periods of service are shown below:

**Table 3.5 Periods of service of local constables under 1840 Act**

<b>Under 1 year</b>	<b>1-5 years</b>	<b>6-10 years</b>	<b>11-15 years</b>	<b>16-20 years</b>
3	7	3	4	1

The Parish Constables' Act of 1842<sup>50</sup> was seen as an alternative way of improving local policing, because one of its provisions allowed the appointment of professional police superintendents to supervise parish constables. The Act also

<sup>49</sup> There is a comment beside the name of Thomas Watcham, constable of Broomfield, suggesting that he was well qualified and strong for his age. Watcham was then a fifty-four-year-old shopkeeper who had been parish constable for 12 years. (ERO P/CP 54 bdl.4).

<sup>50</sup> 5 & 6 Vic c109.



removed the right of courts leet to appoint constables for policing duties, and transferred that role to magistrates. Parish overseers had to produce a list of men qualified to become constables, submitting it to the vestry for approval before making their recommendations to quarter sessions. Many of the nominees had previously been constables, or were currently in that role. Six names were put forward from Writtle, one of whom was George Wilks, who objected because he had been the leet constable for the previous two years.<sup>51</sup> The three Writtle men selected and sworn were a carpenter, a blacksmith and a farmer. The blacksmith was Charles Blanks, resident of Highwood, and almost certainly the son of Charles Blanks, blacksmith and long-term constable in the nearby parish of Springfield (see later section).

Many of the Writtle constables were also appointed by the leet as surveyors of weights and measures, although there is very little direct evidence of infringements in the manorial records. Weights and measures were complex matters, and the lack of written evidence from the leet suggests that offences may have been reported directly to quarter sessions. A series of meetings was held in 1794 to recommend new legislation about weights and measures. While there was no mention of Essex representatives being present, new legislation was recommended and passed in 1795. One of the requirements was for high constables to purchase proper weights and deposit them with the Clerk of the Peace.<sup>52</sup> A further Act in 1834 obliged quarter sessions to appoint district weights and measures inspectors, who had to enter into recognizances against being prosecuted themselves.<sup>53</sup>

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<sup>51</sup> It was not unknown for men to protest at being nominated as constable. See Chapter 5 for a letter written by a Brentwood doctor to support an unwilling local constable.

<sup>52</sup> David Eastwood, *Governing Rural England*, (Oxford, 1994), p 57. The Act was 35 Geo. III c.102.

<sup>53</sup> ERO Q/AMw 1. Every inspector had to enter into legal security to be sued for £100 against the punctual performance of duty, and acknowledge the requirement to keep accurate records of weights. ERO Q/SBb 517/71.



Essex was divided into ten districts, each of which had its own set of accurate weights against which to check the ones used by local tradesmen. Weights and measures inspectors were supposed to be present at specified inns in each district on market days. The appointment of inspectors was left to local magistrates who sometimes selected constables, as shown in Table 3.6 below.<sup>54</sup>

**Table 3.6 Inspectors of Weights and Measures<sup>55</sup>**

<b>District 1</b>	Robert Cosby Tomlinson, Braintree, Royal Navy lieut.
<b>District 2</b>	William Reeves, Colchester, yeoman
<b>District 3</b>	Jonathon Smart, Walden, upholsterer
<b>District 4</b>	Benjamin Carrington, Thorpe. (Also high constable)
<b>District 5</b>	Thomas Stoneham jun., Springfield
<b>District 6</b>	William Curtis, Billericay
<b>District 7</b>	John Delamare, Romford
<b>District 8</b>	Edmund Champness, Epping. (Also parish constable)
<b>District 9</b>	Thomas Salmon, Rochford
<b>District 10</b>	John Strutt Hance, Maldon

In June 1843, as a means of increasing efficiency and saving about £600 in costs, quarter sessions decided to follow the example of Norwich quarter sessions by dismissing all the inspectors of weights and measures and appointing police officers in their stead. McHardy enthusiastically supported the proposal, believing that the savings might help finance an increase in manpower, especially as the policemen would not be paid extra for the duty. In the ensuing discussion McHardy said he was anxious for his men to become weights and measures inspectors, as there had been many complaints from all over the county about the existing post holders. The Rev. Mr Burmester tartly observed that if Captain McHardy could spare men for such a duty then perhaps he already had too many policemen. Initially the fourteen divisional

<sup>54</sup> Benjamin Carrington was the proactive high constable of Thorpe, in the Tendring Hundred, and Edmund Champness was the long-serving and apparently efficient and proactive constable of Epping.

<sup>55</sup> ERO Q/SO 32 p 265.



superintendents were appointed, although responsibility for weights and measures was later devolved to police inspectors.<sup>56</sup>

### ***Entrepreneurial Policing<sup>57</sup> and the Lighting and Watching Acts***

During the late eighteenth and early nineteenth centuries, the usual way of improving lighting and watching in a town was to arrange for the passing of a private Act of Parliament. A wealthy resident, for example, provided the finance for Chelmsford to have its own Act in 1789. As such private Acts were costly affairs, legislation to facilitate lighting and watching of towns was passed in 1830. Three Essex towns took advantage of the opportunity to improve their policing cover. Braintree, and at the opposite end of the county, Walthamstow, made use of the Lighting and Watching Act of 1830<sup>58</sup> and others took advantage of similar legislation passed in 1833.<sup>59</sup> Having looked at the constables of the courts leet, this chapter will turn now to the systems and practices in the towns of Chelmsford, Braintree and Walthamstow, all of which are mentioned in the 1832 survey.

Under the private Act introduced for Chelmsford in 1789, a number of the principal inhabitants were designated as paving and lighting commissioners and given powers to appoint paid officers. The commissioners were a mixture of professional men and tradesmen including clergy, doctors, booksellers, grocers and ironmongers. The 'necessary officials' appointed under the Act included a treasurer, rate collector, surveyors and two watchmen who were authorised to make arrests and take suspects before a magistrate.<sup>60</sup> A governing body comprised the rector, parish surveyors and

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<sup>56</sup> Maureen Scollan, *Sworn to Serve*, (Phillimore, 1994), p 21, and *Essex Standard* 30 June 1843.

<sup>57</sup> Clive Emsley, *English Police*, p 20.

<sup>58</sup> 1 & 2 Wm. IV c46.

<sup>59</sup> Lighting & Watching Act of 1833, (3 & 4 Wm. IV c90).

<sup>60</sup> Hilda Grieve, *The Sleepers and the Shadows*, Vol. 2, (Essex County Council, 1994), p 321.



fifty named commissioners who were appointed for life, provided each one owned property worth £30 a year or was heir to an estate worth more than £60 a year.

County police officers first patrolled the streets of Chelmsford in early June 1840, but the first reference to paying their bills does not appear until October 1840. The watching responsibilities under the private Act were passed to McHardy on 12 May 1840, but Chelmsford vestry continued to meet the expenses at quarterly vestry meetings when accounts were discussed for all constables operating in the parish of Chelmsford and the hamlet of Moulsham.<sup>61</sup>

Chelmsford's policing arrangements are a good example of how different schemes could operate concurrently in one parish, although it is difficult to assess how much mutual co-operation existed. In the 1830s the county town was policed by constables selected by the leet of Moulsham (a hamlet in the parish), and by watchmen under the Lighting and Watching Act of 1833 who were sworn as constables.<sup>62</sup> There were also constables appointed by the leet of Bishops Hall manor in the centre of Chelmsford.<sup>63</sup> Amongst the bills submitted by parish constables and the seven named watchmen is an impersonal entry for 'county police'. When the next accounts were paid in January 1841 the 'county police' had become individuals: namely Superintendent Coulson, and police constables Berwick, Harrington, Cardinal, Fowler, Barnard, Cozens and Seabrook. After the next bills were paid in March 1841, Chelmsford vestry ensured a measure of equality by dealing with the two sets of constables' bills together, depending upon when they were submitted. In April 1842, for example, Chelmsford vestry reimbursed 'Mr Superintendent Coulson' £14 12 6d

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<sup>61</sup> ERO D/P 94/8/16.

<sup>62</sup> ERO P/CP 39.

<sup>63</sup> ERO D/DGe M68.



for dealing with vagrants, and Mr Wright and Mr Gladwin (parish constables) 17 shillings and £1 11s 10d respectively for unspecified expenses. There is no direct evidence in the accounts that the county police and the parish constables were working together, although it is clear from other sources that they did so.<sup>64</sup>

### ***Braintree***

Braintree is a comparatively modern ecclesiastical parish which was carved out of the parish of Rayne in the twelfth century; the town acquired its market charter in 1199.<sup>65</sup> From the sixteenth to the eighteenth centuries Braintree's residents - many of whom were involved in the textile trade - were governed by a closed vestry known as the 'Company of the Four and Twenty'. The Braintree closed vestry was described by Sidney and Beatrice Webb as half way between a guild and a court of aldermen.<sup>66</sup> Jobs such as constable, churchwarden and overseer were usually filled by the vestry's own members rather than ordinary ratepayers. In 1711 four Braintree constables appeared at quarter sessions charged with contempt of court because an earlier judgement had obliged parish officers to submit details of their accounts to the unelected members of the 'Company of the Four and Twenty.' The constables had refused to do so because there were no longer twenty-four members of the select vestry. After hearing counsel's plea that the ancient practices of the select vestry helped prevent abuses, a compromise was agreed. Within three months the appointment of new men brought the select vestry back to twenty-four. Future vacancies were to be filled by elections of 'substantial inhabitants', but voting rights were only given to those who paid the manorial tax of 'scott and lott'. Thus were the

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<sup>64</sup> ERO D/P 94/8/16.

<sup>65</sup> A C Edwards, *History of Essex*, (Phillimore, 5th ed. 1994), p 50.

<sup>66</sup> Sidney and Beatrice Webb, *English Local Government, Parish and County from the Revolution to the Municipal Corporations Act*, (Longmans Green, 1924), p 221.



joint interests of the select vestry, the court leet and the parish preserved for some years more.<sup>67</sup>

Braintree's entry in the 1832 Survey of Peace Officers shows five constables, two aged thirty, one aged thirty-five, one aged thirty-nine, and one man of seventy. The townspeople took early advantage of the 1830 Lighting and Watching Act, and a meeting of ratepayers in October 1830 agreed by a majority of 67 to 17 to introduce its provisions. Seven inspectors were appointed from the parish, and overseers were authorised to collect a rate of one shilling in the pound on houses and four pence in the pound on land.<sup>68</sup>

Having first appointed its inspectors under the 1830 Lighting and Watching Act, George Lindsell and Thomas Fish were selected as watchmen a few days later. Each man was to be paid ten shillings weekly for working from 10pm to 6am, and was provided with a greatcoat and unspecified 'necessary appendages.'<sup>69</sup> The 1831 Braintree census includes two men named Thomas Fish, but it is not clear which was the watchman. Thomas Fish aged fifty-one and described as a jobber<sup>70</sup> lived with his wife in Pound End, while Thomas Fish aged sixty-six lived with his wife in Gibbons End. While there are several male householders named Lindsell in the census, none is called George. It is possible, therefore, that the unnamed adult son of William Lindsell, a seventy-year-old weaver living in Pound Lane with his wife, was the second watchman.<sup>71</sup> By January 1831 a street keeper had also been appointed. Thomas Burton worked from 5pm to 10pm every night for five shillings a week. While

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<sup>67</sup> ERO Q/SO 4 p 160.

<sup>68</sup> ERO D/P 264/23/1A.

<sup>69</sup> Ibid.

<sup>70</sup> Jobber: a piece-worker or one who is employed by the job. *Shorter OED* p 1066.

<sup>71</sup> ERO D/DU 65/83.



his duties are not specified, they probably involved town patrols at times when people were around.<sup>72</sup> As the census shows only one Thomas Burton (aged thirty-one), it is likely that he was the street keeper, and evening work would have fitted in with his daytime employment as a jobber.<sup>73</sup>

While most Braintree ratepayers supported the implementation of the 1830 Lighting and Watching Act, there is little direct evidence of how the inspectors operated. A watch house was built in the grounds of the parish workhouse, and ratepayers with complaints were expected to attend the vestry at noon on a specified date each week to speak to the duty inspector. Evidence from the minutes suggests that few, if any, did so.<sup>74</sup>

Rules to govern the watchmen and street keeper provided a structure for working hours. Two out of three officials were to be on duty each day between 10 pm and 6 am, and the names of those scheduled to work the next day were to be placed on boards outside the watch house. Starting times changed every month in what was described as the second period - between 22 October and 5 December. One man was to start at 7 pm and work till 9 pm. When the second man started duty the first went to the watch house. That sequence then alternated until 1 am when the first man went off duty and the second was on his own until 4 am. Although no records of callers survive, it is likely that the man sent to the watch house was expected to be accessible to members of the public.<sup>75</sup>

There are few clues to the activities of the watchmen and street keepers under the 1830 Act. However, an entry for 2 September 1833 shows that the inspectors did

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<sup>72</sup> ERO D/P 264/23/1A.

<sup>73</sup> ERO D/DU 65/83.

<sup>74</sup> Ibid.

<sup>75</sup> ERO D/P 264/23/1A .



exercise some supervision as they met to admonish the watchman who had not searched a man he had arrested for causing damage. Braintree ratepayers voted to continue the Act for a third year, but little more than a month later they decided to adopt the new 1833 Lighting and Watching Act<sup>76</sup> which had been introduced into Parliament by Joseph Hume, an advocate of ratepayer democracy. Ratepayers were allowed to implement the Act subject to a two-thirds majority, and to appoint and control their own police independently of magistrates. A rate could be set to pay for wages and prosecutions.<sup>77</sup>

Changing the governing legislation made few immediate changes to policing in Braintree apart from better supervision: even the same rate of one shilling in the pound on houses and fourpence on land was granted. This was not the case at Horncastle in Lincolnshire, where the detailed records kept by its inspectors show a determination from the start to set up a professional force with several ex-Metropolitan Police officers as the nucleus.<sup>78</sup> Apart from the appointment of a few new inspectors in Braintree, the only other changes were the replacement of Watchman Lindsell with Samuel Currey, and the requirement that Thomas Fish and Samuel Currey each kept a journal for the inspectors' information. Producing his journal for inspection on 4 August 1834 later led to Watchman Currey being cautioned for 'knocking people about as it should seem unnecessarily.'<sup>79</sup>

The new Act fostered a gradual change in the way watchmen were appointed. From September 1834 there was to be only one watchman at twelve shillings a week

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<sup>76</sup> 3 & 4 Wm. IV c90.

<sup>77</sup> P & S p 94.

<sup>78</sup> B J Davey, *Lawless and Immoral: Policing a Country Town 1838-1857*, (Leicester University Press, 1983), p 7.

<sup>79</sup> ERO D/P 264/23/1B.



in winter and eight shillings in summer, although Currey and Fish seem to have operated a sort of 'job share' and split the pay between them. Evidence to the Constabulary Force Commissioners in 1836-7 explained that Fish and Currey were each being paid five shillings a week from a rate under the Lighting and Watching Act, but they were not regarded as full-time watchmen. While the two watchmen carried out minor policing roles such as checking licensed premises, they continued to 'call the hour in the common way when on duty.'<sup>80</sup> From September 1839 watchmen Thomas Fish and John Dyer were also required to lay informations against the 'furious driving' of stage waggons through the town, to apprehend vagrants and 'disorderly persons', and to prevent breaches of the peace. In spare moments they were also supposed to clean and light the town's oil lamps. No mention is made in the minutes about the start of the 1839 County Police Act, perhaps because the first county officers allocated to the district in April 1840 were apparently based in Halstead rather than Braintree.<sup>81</sup> Nevertheless, county police were well established in Braintree by December 1842, when the annual ratepayers' meeting debated whether or not to continue with policing arrangements under the 1833 Lighting and Watching Act. Although most ratepayers voted to continue using the Act, henceforth it was mainly implemented for dealing with street lights and fire engines.<sup>82</sup>

### ***Walthamstow***

Walthamstow was described in 1832 as a 'delightful village ... situated upon the borders of Epping forest where ... country seats, farms, houses and cottages are so blended together and ... so many opulent and respectable families reside in this

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<sup>80</sup> HO 73/5/1 return for South Hinckford.

<sup>81</sup> ERO Q/APr 1.

<sup>82</sup> The last volume of Lighting and Watching minutes ends in 1858.



healthy district. The river Lea forms the western boundary...'<sup>83</sup> In the 1801 census Walthamstow had more than three thousand residents and a large and ancient parish church.<sup>84</sup> While it was the only other Essex parish in the 1832 survey to be operating constables under the 1830 Lighting and Watching Act, the first organised policing in Walthamstow seems to have occurred between 1819-1822 when a committee collected members' subscriptions to pay for winter night patrols.

The initial meeting was convened on 3 October 1819 'for the purpose of establishing a more efficient police in this parish'. Twenty-one local residents formed a patrol and watch committee with seven being accepted as a quorum. There were to be eight foot patrols, plus two men on horseback to act as supervisors and 'go in all directions throughout the parish'. The principal patrolman was to attend committee meetings to receive his instructions.<sup>85</sup>

Subscriptions were sought from prominent parishioners to cover the £300 estimated to cover the first year of the venture. Contributions averaged two guineas, with the highest being five guineas and the lowest ten shillings. In addition to wages, substantial rewards were proposed for the patrols. A patrol detaining a burglar, for example, was to receive £5 with another £5 if the suspect was committed for trial.<sup>86</sup> The second patrol and watch committee meeting was held on 7 October 1819 and it has been possible to identify some of the participants from a local directory of 1832. This classifies residents under various headings such as 'nobility, gentry and clergy', 'academies & schools,' and occupational headings such as bakers, carpenters & undertakers, grocers, livery stable keepers, painters, physicians, and wheelwrights.

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<sup>83</sup> Pigot's *Directory* 1833, pp 716-7.

<sup>84</sup> White 1848, p 253.

<sup>85</sup> Vestry House Museum, [Hereafter VHM] P8/3/27 3 Oct 1819.

<sup>86</sup> Ibid.



The directory's 'miscellaneous' heading includes hair cutters, booksellers, milliners and a professor of music. Those identified as being at the second committee included a livery stable keeper, grocer, painter, and three from the 'nobility, gentry and clergy' section.<sup>87</sup>

Within fifteen days £160 was collected from residents - enough to start the patrol scheme - although when the full amount had not been received by the end of October 1819, the horse patrol consisted only of one man described variously as superintendent, head horse patrol or head patrol. The office holder was Francis Penn (junior), who may have had previous experience, because a man of that name was a constable in 1793 for the friendly-sounding manor of Walthamstow Tony.<sup>88</sup> At various times promised subscriptions were not forthcoming, and when requests for more money to maintain the service did not produce a response - as in February 1821 - some of the patrolmen had to be dismissed.

Because the subscription force only operated for part of the year its officers needed other sources of income. In Pigot's *Directory* of 1832 a Francis Penn is listed as a plumber and glazier. By the date of White's *Directory* of 1848 Penn had become a bookseller, stationer, painter and plumber.<sup>89</sup> While gaps in the records make the matter inconclusive, Francis Penn's re-employment (although not always as head patrolman) in 1821, 1826 and 1829 suggests he may have served continuously during the winter from 1819.<sup>90</sup> While there are gaps in the records between 1822-26 and 1827-28, it is clear that the force continued its work as there is a reference in

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<sup>87</sup> Pigot's *Directory*, 1833, p 717- 718.

<sup>88</sup> Manuscript card index of names in Vestry House Museum, Walthamstow.

<sup>89</sup> The Francis Penn who died aged ninety-two in Monoux Almshouses in November 1844 was probably his father. (Manuscript card index of names in Vestry House Museum).

<sup>90</sup> VHM W47.1 WP2.



1826 to re-establishing the patrol 'similar to the plan of last year.'<sup>91</sup>

There were eight foot patrols, and the first included two men (Philip Brown and William Woollard) who resigned within four weeks but were quickly replaced, although not by either of the two men appointed as supernumeraries. Of the remainder Robert Ashworth was re-appointed in 1821, 1826, 1828-9 and 1833;<sup>92</sup> Joseph Reynolds was re-appointed in 1821, 1826-8, 1829-31 and 1833; and John Miller in 1821, 1826-8 and 1829. While Charles Sibley was re-appointed in 1821 he does not appear in any later lists of personnel, probably because he was dismissed on 15 October 1821 for being 'fast asleep and not quite sober' while on duty, and for not keeping his weapons in good condition.<sup>93</sup> The occupational status of Reynolds, Miller, Sibley and Ashworth remains unknown as they do not appear in Pigot's *Directory* for 1833.

The patrols usually comprised one horseman and between six and eight foot patrols.<sup>94</sup> Wages were, of course, dependent upon the level of subscriptions. The head patrolman and his deputy earned 35 shillings a week in 1819 but were only receiving 28 shillings in 1828. The foot patrolmen received 14 shillings each in 1819 and this was maintained until 1829. The patrolmen's wages were increased to 15 shillings a week in January 1834 but the subscription money ran out two months later so the patrols were reduced to two men and the superintendent.<sup>95</sup> The subscriptions also provided each man with a greatcoat, a brace of pistols and a cutlass 'to be used only on the most urgent cases of self defence.'<sup>96</sup>

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<sup>91</sup> VHM W47.1WP3.

<sup>92</sup> VHM P8/3/27.

<sup>93</sup> VHM P8/3/28 10 October 1826.

<sup>94</sup> Ashworth was in receipt of poor relief in 1829, and a man of the same name was included in a parish rate book of 1835. (Manuscript index of names in VHM).

<sup>95</sup> Ibid.

<sup>96</sup> VHM P8/3/27.



Walthamstow's patrolmen met for briefing in the churchyard at 9 pm, reassembling there at 6 am for a formal dismissal. Although the parish was divided into a number of patrol districts, a detailed list does not appear in the records until 1826 when they were identified by the houses of subscribers. 'Beats 1 and 2', for example, started from 'the north side of the church to Mr Masterman's and back, and from Mr Masterman's to Mr Hall's and from there to Dr Spry's and back'. Beat 6 went from 'Mr Vignes by Mr Goss to the Cross Roads leading to Chingford thence to New Houses of the Rev Mr Wilsons and back'. Masterman, Hall, Wilson, Vigne and Goss all appear in the 'Nobility, Gentry and Clergy' section of Pigot's *Directory*; Rev. William Wilson was patron of the living and the incumbent.<sup>97</sup> The patrolmen were instructed to pay particular attention to subscribers' property, and were also obliged to call out the hours of the night. In 1821 one patrolman was dismissed 'for sleeping on duty and calling out the wrong hour on two or three occasions.'<sup>98</sup>

The committee minutes suggest that the night patrols were reasonably effective. In October 1819, for example, two men were detained in possession of a large number of geese which proved to have been stolen. A notice was placed in *The Times* and *Observer* newspapers to trace the owners. On another occasion the head patrolman was subjected to 'insulting and abusive language'. With the assistance of another patrolman the offender was caught and locked in the parish cage. Unfortunately he escaped during the night by forcing out the brickwork.<sup>99</sup>

Essex was much affected by the agricultural disturbances of 1830-1. Concern about these disorders encouraged the setting up of an efficient day patrol 'in

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<sup>97</sup> Pigot's *Directory of Walthamstow* for 1833, p 49.

<sup>98</sup> VHM P8/3/27.

<sup>99</sup> Ibid.



consequence of the state of the times, the appearance of suspicious persons in the parish and the receipt of threatening letters.'<sup>100</sup> Overseers were also recommended to employ the 'most respectable of the unemployed to perambulate the parish during the day', arresting any suspicious characters and taking them before a magistrate. As no reference has been found to such men being sworn in it has to be assumed that they operated under common law.

Walthamstow ratepayers were keen to adopt the provisions of the 1830 Lighting and Watching Act and did so from 14 April 1831. Thirteen inspectors were elected from local ratepayers. They included John Humphreys (builder and cabinet maker), Dr William Blicke (surgeon), Robert Wragg (livery stable proprietor), Rev. William Terrington (curate), William Jenkins (schoolmaster), Charles Burrell (grocer), and John Corbett and Robert Gillespie who are described as 'gentlemen'.<sup>101</sup> Each was issued with a copy of the Act of Parliament. With the benefit of previous experience it was decided to appoint a sergeant and eight men, all of whom were to be attested as constables. The sergeant was paid 21 shillings a week and provided with an elaborate uniform consisting of a waistcoat, pantaloons and a superfine blue cloth coat with an embroidered collar. A stock, oilskin cape and a beaver hat with an oilskin cover completed his uniform. The patrolmen were dressed similarly, except for wearing trousers rather than pantaloons, and being provided with a glazed hat. Their wages were to be 15 shillings a week. All officers were provided with a brace of pistols and a staff, and were obliged to join the Walthamstow Benefit Society and also had to be sworn in as constables. It seems they also had to be Walthamstow residents, as when 'John Sedgwick of the London Police' applied to be a patrolman in

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<sup>100</sup> VHM P8/3/28, Dec. 1830.

<sup>101</sup> Pigot's *Directory for Walthamstow*, 1832, p 57.



October 1831, he was turned down because he did not live in the parish.<sup>102</sup> Three of the eight patrols had previously been employed in the subscription force. James Reynolds, for example, was a patrolman between 1819-21 and 1826-39, and James Terry in 1828. William Lawrence was first appointed in 1831 and still in post when the force was disbanded.<sup>103</sup>

The minute books provide some insight into the men's policing activities. Initially the force owed its existence to concern about house burglaries and animal thefts, and 'recent burglaries' was the usual reason for re-establishing the nightly patrols, 'the utility of which during the winter months has been experienced in the last nine years'. Regular mention was made of officers receiving rewards for apprehending offenders, which suggests that arrests were frequent. There are also references to the Walthamstow patrolmen visiting licensed premises on duty.

Although the 1832 survey<sup>104</sup> records Walthamstow officers as operating under the Lighting and Watching Act of 1830, that ceased in November 1833 when the police committee was re-constituted to take the role formerly held by the lighting and watching inspectors. In July 1834 subscriptions were raised 'with the view of establishing a patrol in order to give time for the establishment of a permanent police.'<sup>105</sup> From 21 January 1835 the parishioners adopted the watching provisions only of the revised 1833 Lighting and Watching Act.<sup>106</sup>

Payment to patrols had usually been generous (presumably to lessen the chances of corruption), and financial rewards were given to the men who made good

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<sup>102</sup> VHM P8/3/28.

<sup>103</sup> Ibid.

<sup>104</sup> ERO Q/CR 7/1.

<sup>105</sup> VHM P8/3/28.

<sup>106</sup> 3 & 4 Wm 4 c90.



arrests. By 1837 the weekly pay of the patrolmen (now described as police constables), had been increased to around £4 a week. In January 1838 the ratepayers' meeting decided that £350 was needed to maintain policing, although some of the money came from existing funds. This situation seems to have continued until January 1840 when the Metropolitan Police took over responsibility for policing in Walthamstow. In less than one month the committee was wound up, its accounts audited, and arms and lanterns handed to the new authority.<sup>107</sup> As a mark of 'approbation for their steady and orderly conduct during the time they have been employed in the service' each constable was given £25 to cover seven weeks' wages, and allowed to retain his clothing. In addition each man was given a sovereign. Thomas Godwin, who had been the supervising officer for the previous four years, received an additional £5 because of his 'steady and orderly conduct.'<sup>108</sup>

The minute books give no clues to the subsequent careers of the Walthamstow constables when the force ceased in 1840, although a local historian seems to have assumed (without revealing his source) 'that the best of the parish constables were taken into the new N division of the Metropolitan Police'.<sup>109</sup> It has, however, been possible to follow the subsequent career of Thomas Godwin, described in Pigot's *Directory* in 1839 as the 'serjeant' based at the police station in Church End, Walthamstow.<sup>110</sup> In December 1839 Essex magistrates on the Ilford bench were discussing the imminent takeover by the Metropolitan Police of Essex parishes within 15 miles of London, including Walthamstow, Dagenham, Barking and Loughton. It

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<sup>107</sup> The Metropolitan Police took over policing the Essex parishes of Barking, Chingford, Chigwell, Dagenham, East and West Ham, Ilford, Leyton, Loughton, Waltham Abbey, Walthamstow, Woodford and Wanstead on 13 January 1840. (*Chelmsford Chronicle* 3 January 1840).

<sup>108</sup> VHM P8/3/29.

<sup>109</sup> David Mander, *Walthamstow Past*, (Historical Publications, 2001), p 75.

<sup>110</sup> This was the Metropolitan Police station from 1840 until 1890 and is now the Vestry House Museum.



was reported that 'a superintendent will be appointed for the district, for which office Mr Godwin, the inspector of Walthamstow police is a candidate'. All the magistrates signed a recommendation in his favour, 'a fact which shows in a highly honourable manner the way in which he has discharged his duties in the office he now holds.'<sup>111</sup>

Unfortunately for Godwin a testimonial from Essex magistrates was not enough to get him a superintendent's post in the Metropolitan Police. However, a few weeks later the Essex County Constabulary was set up, and on 10 April 1840 a thirty-eight-year-old married man named Thomas Godwin was appointed as a superintendent and posted to Epping, a small town about five miles from Walthamstow. Caroline Steedman points out that there is considerable evidence that many men refused to give up their self image and redefine themselves as 'policemen', and thus continued to describe themselves by their former occupations.<sup>112</sup> As the original Essex application forms have not survived it is not known whether Godwin declared his previous policing experience, as the force personnel register gives his previous employment as a farmer.<sup>113</sup> However, Godwin would have been unlikely to immediately obtain a superintendent's post without having had some previous police experience. For the next 18 years, however, Superintendent Thomas Godwin was stationed either at Epping or one of the adjacent parishes until he was superannuated for deafness in 1858.<sup>114</sup>

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<sup>111</sup> *The Times*, 25 December 1839, p 8 col. 6.

<sup>112</sup> Carolyn Steedman, *Policing the Victorian Community*, (Routledge & Kegan Paul, 1984), p 105.

<sup>113</sup> Farming was an occupation that could easily have been combined with supervising the Walthamstow patrols, or it may have been a temporary job before he joined Essex Constabulary. The tithe award for Walthamstow, dated 1842 (ERO D/CT 382B), has no mention of Godwin owning or occupying land. This could be because he 'talked up' his status as a 'farmer', because he owned land in another parish, or because his name was included in the list of unnamed individuals who worked on land in the parish and who were listed at the end of the tithe award.

<sup>114</sup> ERO J/P 2/1.



## ***Springfield***

So far this chapter has discussed constables appointed by courts leet, and towns using both private and public legislation to engage lighting and watching personnel. It is time now to examine traditional parish constables in Essex, and the parishes of Springfield and Halstead have been selected for closer study, mainly because of their surviving records and the detailed information that they contain, but also because of their respective locations in different parts of Essex.

In the early nineteenth century Springfield was still a semi-rural parish, about two miles from the centre of Chelmsford. The 1841 census recorded that there were 2256 inhabitants, and the parish also housed the gaol and county police headquarters.<sup>115</sup> Seven years later Springfield was described as the northern suburb of the county town, but it continued to retain its separate parochial status. In the 1832 survey Springfield had two active but unpaid parish constables who have been identified from the parish records as Jeremiah Ayre (a bricklayer aged twenty-eight), and Charles Blanks (a blacksmith aged fifty).<sup>116</sup> Blanks had been in office since 1806.

The vestry minutes record monthly meetings held in public houses around Springfield from April 1810. Selected inhabitants had to attend or pay one shilling, but it is not clear what sort of selection criteria were operating, although rateable value of properties is the most likely. Charles Blanks, the parish constable, had to attend vestry meetings.<sup>117</sup> While there is little evidence of constables' duties in the vestry

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<sup>115</sup> White 1848 p 306.

<sup>116</sup> ERO D/P 211/9. A man named Jeremiah Ayre was still being annually appointed as one of the constables up to February 1850. (ERO D/P 211/8/1). Jeremiah Ayre, bricklayer, is shown in White's *Directory* of 1848 in Springfield; a will survives for a man of identical name and occupation in the parish. As the will was proved on 29 April 1831 it is likely to have been the father of the constable, or perhaps another close relative. The Jeremiah Ayre who made a will did not leave anything to a son. (ERO D/ABR 33/146).

<sup>117</sup> ERO D/P 211/8/2.



minutes, a volume of constables' accounts survives from 1789 until 1833 which shows that most constables held office for at least two years. Robert Resker, for example, was constable from 1789-91, Edward Sewell from 1791-95, and John Fryant from 1795-97. Samuel Baker seems to have been an assistant constable between 1794-95. The average length of service increased with Thomas Peacock who served from 1798 to 1806, but Charles Blanks had the longest continuous service.<sup>118</sup>

The constables' accounts show claims made by the constables and illustrate some of the varied duties they had to perform. A few entries are highly individual in terms of spelling, for example 'Attending the Shire Hall re to Git the Names sind by 2 magistrates three shillings' in May 1831, and 'Searching the Publikins Houses after 10 o'clock at Knight ordered By Mr Archer.'<sup>119</sup> To make some comparison of differing workloads, tables have been prepared of duties common to all the Springfield constables. One duty not mentioned, however, was executing warrants against Quakers who refused to pay church rates. A volume of 'Sufferings' of Quakers in the Witham meeting (which covered a wide area in and around Chelmsford), mentions the names of constables executing warrants, together with their selection of articles of similar value to be seized in lieu of taxes. On 27 January 1827, for example, Charles Blanks executed a warrant against John Corder of Springfield, seizing a bar of iron valued at £7 2s 8d. On 15 November 1841 Constable Timson of Springfield took

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<sup>118</sup> ERO D/P 211/9. Charles Blanks' will (proved 10 March 1835), shows him to have been a man of property. Blanks left his land, blacksmith's shop and buildings to his son Charles, and his blacksmith's tools to his brother Joseph who was a blacksmith in East Hanningfield. (ERO D/ABR 34/158). It seems likely that Charles Blanks junior later set up his own blacksmith's business in the nearby parish of Writtle where he became constable for Highwood.

<sup>119</sup> ERO D/P 211/9. Thomas Archer, attorney, acted as trustee for many local organisations. If this is the same man he may have been acting as overseer or churchwarden. (Hilda Grieve, *The Sleepers and the Shadows*, Vol. 2, pp 255, 265).



wheat valued at £53 6s from the property of the late John Marriage (a miller) in lieu of tithes.<sup>120</sup>

No attempt has been made to quantify arrests and detentions made by constables. This is partly because self-generated arrests seem to have been fairly rare, and often described the constable by his 'day job', but also because it was more usual for complainants to swear an information before a JP who then issued an arrest warrant. Constables' attendances at executions have not been noticed in other parish records, which may indicate it was a duty specific to Springfield constables because the county gaol was in the parish. There are also occasional bills for appointing coroners' juries and attending inquests and races. While the parish had its own fair on Whit Tuesday, the nearest racecourse was at Galleywood Common, about two miles south of Chelmsford. Races were held over two days in August, and 'rarely wanted either genteel company or plenty of good horses'.<sup>121</sup> Presumably a system of 'mutual aid' existed between the parishes of Galleywood and Springfield.

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<sup>120</sup> ERO D/NF 1/2/17. Beside the name of Constable Timson is written 'the constable's charges are exorbitant'.

<sup>121</sup> White 1848 p 306.



**Table 3.7 Activities of Springfield constables<sup>122</sup>**

<b>Activity</b>	<b>1795-97</b>	<b>1798-1800</b>
Attending executions	6	3
Attending fairs	-	-
Attending races	5	2
Attending Shire Hall (Q/S or for orders)	3	-
Lists & Returns (e.g. surveyors, militia, inns)	47	30
Militia orders & getting transport	10	-
Pub visits	-	2
Public Order	1	-
Relieving travellers & vagrants	84	164
Searches	38	2
Serving summonses (suspects & jurors)	2	6
Warrants executed	1	-
Summonses taken out	3	-

**Table 3.8 Incidents for which Charles Blanks claimed expenses<sup>123</sup>**

	<b>1809-10</b>	<b>1811-12</b>	<b>1814-15</b>	<b>1821-26</b>	<b>1830-33</b>
Attend Shire Hall re militia	24	22	9	14	27
Attending trials	1	-	-	-	-
Escorting prisoners	-	2	-	9	4
Fairs	-	-	1	-	-
Going after prisoners	8	-	-	-	-
Lists & returns	30	36	28	41	28
Make arrests on warrant	-	-	-	4	17
Militia summonses & orders	106	-	10	9	-
Prep. summonses/warrants	56	137	-	-	-
Pub visits	-	-	1	12	2
Putting prisoners in cage	-	-	4	-	-
Relieving travellers	15	6	2	-	4
Searches	10	15	16	25	1
Summonses & warrants executed	17	16	8	16	5

<sup>122</sup> Based on data in ERO D/P 211/9.<sup>123</sup> ERO D/P 211/9.



The wars with France explain the number of references to militia in Charles Blanks' expenses. From the seventeenth century parish constables had to prepare lists of suitable men who could be selected for the militia. After the greatly heightened threat of invasion between 1803-05, new Militia Acts of 1802 and 1807 required constables to provide lists of suitable men to fulfil the county quotas. Potential candidates had to be able-bodied men between eighteen and forty-five, and more than five feet four inches tall. Their names went forward to a meeting of JPs at quarter sessions, before whom a ballot was taken.<sup>124</sup> The Springfield constable in 1797 claimed four shillings 'for attending the balloting day.'<sup>125</sup> Parish constables also had to list the names of inhabitants between fifteen and sixty, and take details of their animals and any carts which might need to be commandeered for transporting military equipment.<sup>126</sup> When objections were made, prosecutions sometimes followed. In 1813, for example, a Writtle farmer refused to provide a waggon and horses to convey the baggage of the West Yorkshire Militia from Chelmsford to Brentwood. One of the Writtle constables swore an information to that effect, and the farmer was ordered to appear at petty sessions. When he was found guilty, the constable had to distrain his goods and chattels to the value of £5 and sell them.<sup>127</sup>

The Parish Constables' Act of 1842 was designed to encourage more organised policing in counties which had not adopted the 1839 Act. While its use in Essex is discussed more fully in Chapter 5, Springfield took advantage of an option

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<sup>124</sup> J R Western, *The English Militia in the Eighteenth Century*, (Routledge & Kegan Paul, 1965), p 46.

<sup>125</sup> ERO D/P 211/9. Essex was required to provide two battalions, three corps and 960 men between 1757-96, and another 1244 in 1802.

<sup>126</sup> Ibid.

<sup>127</sup> ERO P/CP 2.



under the Act to appoint local constables and pay them regular wages.<sup>128</sup> James Timson, for example, was paid £5 a year until 1849.<sup>129</sup> However, at the same time James Timson senior (presumably his father) was an unpaid constable. One James Timson was also churchwarden at the same time, although it is not clear which. There are other examples of unpaid constables with the same surnames, for example George Clark and Benjamin Clark, and Elisha Barnes and Thomas Barnes, but it has not been confirmed without doubt that they were related.<sup>130</sup> It is difficult to find evidence of unpaid constables involved in prosecutions because they were frequently identified by their everyday occupations. On 29 June 1840, for example, Elisha Barnes, baker, of Springfield swore an information about the theft of cabbages but no reference was made to his role as constable: the case was dismissed.<sup>131</sup>

Having the headquarters of the county police in the parish does not seem to have hastened change in policing Springfield. County policemen were on the streets of Chelmsford by summer 1840, and by autumn the Springfield administration gave notice to 'Mr Butler' that the cage leased for prisoners would not be required after Christmas.<sup>132</sup> Springfield kept its cage, however, and in 1848 moved it to a new site which suggests it was still being used by parish constables. While paid constables continued in Springfield until February 1850, unpaid constables were still being appointed when the volume ended in 1853.

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<sup>128</sup> Parish Constables' Act 1842 (5&6 Vic. c109). Constables were to be paid from poor rates.

<sup>129</sup> ERO D/P 211/8/2.

<sup>130</sup> Ibid.

<sup>131</sup> ERO P/CP 54 bdl.2 .

<sup>132</sup> This may have been James or Edward Butler, high constables of the division. (White 1848).



### ***Halstead***

It has been shown that policing systems under different legislation could run concurrently in the same parish, and that parish, manor and county could all be involved in appointing and directing constables. This section will examine policing in the country town of Halstead in north Essex, described as ‘a neat but irregularly built market town surrounded by farms and houses, and pleasantly situated on both sides of a valley in the River Colne’. In the late eighteenth and early nineteenth centuries it was a cloth town, with a population in 1841 of 5,710.<sup>133</sup>

In the 1832 peace officers’ survey the town had six constables, aged thirty-six, thirty-seven, forty, forty-six, forty-eight and sixty. There were also two watchmen aged thirty-one and fifty-one. The vestry minutes show that until 1843 two of the constables were appointed by a court leet. Unfortunately few records for the Halstead manors have survived, and it has not been possible to discover why those men were chosen.

The surviving Halstead vestry minutes begin in March 1818, and record the nominations and appointments of churchwardens, overseers and constables. There were fourteen nominations for the office of constable, six being appointed for the parish and two for the leet; a similar pattern was followed until 1843. Table 3.9 below shows the names of constables appointed by the leet. It seems to have been common for two men to hold office jointly for four to five years, and then one to overlap for a year with a new man. On a practical level there seems to have been no difference in the way leet constables worked and claimed their expenses. In 1833, for example, Thomas King (a constable appointed by the leet in 1828: see Table 3.9 below), claimed his half year’s salary of £1 19s ‘for attending on Sundays’ and three

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<sup>133</sup> White 1848 p 691.



shillings for attending the magistrates' meeting to be sworn in. He also acted proactively on at least one occasion, making a claim in the same quarter for 'Happerhanding (sic) Sam Samuells and John and George Foots as rogues and vagabonds and taking them to court.<sup>134</sup>

**Table 3.9 Halstead constables appointed by the leet**<sup>135</sup>

<b>Year</b>	<b>Names</b>
1818	Sam. Bowyer & Benj. Cardinal
1819-1823	George Mead & Thomas Annall
1824	George Mead & Thomas Sycamore
1825	Mordecai Harrington & Thomas Sycamore
1826	James Chaplin
1827	Thomas Wiffin & James Chaplin
1828	Thomas King & William Wisbey
1829-1834	Thomas King & Asa Hayward
1835	Wm Baker & John Arnold
1836	Benj. Cornell & James Betts
1837	James Betts & James Taylor
1838	Wm Belsham & Thomas King
1839-1840	Richard Osborne & Jeffrey Chaplin
1841-1842	Richard Osborne & Wm Dorlin
1843	Richard Osborne & Joseph Davey

At least ten men were nominated as parish constables, from whom four were selected. Table 3.10 below shows two men with the same surname acting at the same time. Robert Spurgeon was first nominated in 1818, appointed in 1819 and for each subsequent year until 1827. His relationship to William Spurgeon who also served as assistant beadle is not known.

<sup>134</sup> ERO D/P 96/8/4.

<sup>135</sup> ERO D/P 96/12/20.



**Table 3.10 Names and dates of service of Halstead parish constables**<sup>136</sup>

Richard Neve	1818-21
Robert Spurgeon	1819-27
William Spurgeon	1818-21
John Johnson	1820-51
Thomas Cardinall	1818-38 (gaps)
John Kemp	1824-36
William Wells	1820-24
William Allen	1820-21, 24-26
James Goldstone	1825-30
Daniel Davey	1836-51

In April 1819 Halstead constables attended the annual vestry meeting because of concerns about 'much irregularity and immoral conduct in the streets ... of the parish, to the general annoyance and disgust of the more orderly part of the inhabitants'. The origins of the complaints have not been ascertained, but they appear to have been the result of an outbreak of moral fervour. However, there is clear evidence that the community reacted in a way which demonstrates a capacity to respond to its own problems by instigating local policing responses. Halstead was divided into four districts with a specific constable allocated to each. The town centre was patrolled by two designated constables. Each constable was instructed to patrol his district on Saturday and Sunday evenings and at other times wherever possible. Close patrolling was combined with a system of voluntary 'supervisors', comprising local gentlemen who had agreed to accompany and assist the constables. There is no indication as to how the supervision and assistance plans worked in practice, although some notable local dignitaries offered their services. There were bankers and businessmen, as well as a local solicitor named Orbell Hustler, who later became

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<sup>136</sup> Ibid.



magistrates' clerk, high constable and (after 1835) a Guardian.

While all the constables were part-time officers who continued to work in their individual trades and occupations, several also had other jobs within the parish administration. Richard Neve, for example, constable between 1818-21, was a beadle and governor of the poor house.<sup>137</sup> A beadle could be a multi-purpose parish officer whose role varied in different areas. From 1828 the four parish constables were all appointed as beadles also. Being able to claim 18 pence each for additional duties on Sundays suggests that the beadle role may have also included keeping order in church.<sup>138</sup>

More is known about the extra activities of two particular parish constables - Thomas Cardinall and John Johnson. First appointed constable when he was about twenty-two, Cardinall served for one year, and although nominated in 1820 and 1821 did not serve again until 1823. He had a gap of three years before being further nominated in 1826 and 1827, and serving continuously between 1828 and 1835. At the same time as being appointed constable and beadle, Cardinall was appointed assistant overseer with an annual salary of £50. In July 1834 he was allowed 'to collect the poor rate for Mr J C Cook in consideration of his being unacquainted with parish affairs ... this is not to be considered as a precedent for any other overseer.'<sup>139</sup>

John Johnson was first appointed as constable in 1820 when he was twenty-two and continued in service until at least 1852.<sup>140</sup> Combining the roles of beadle and constable with his trade of whitesmith, Johnson earned a reputation for being a

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<sup>137</sup> ERO D/P 96/8/3.

<sup>138</sup> ERO D/P 96/12/20.

<sup>139</sup> ERO D/P 96/8/5. Some of the original bills submitted by Thomas Cardinall survive for 1835, when he claimed £13 15s for a quarter year's salary as assistant overseer, 19s 6d for attendance as constable on Sundays and five shillings for going to Braintree to be sworn in.

<sup>140</sup> In the 1851 census Johnson's age is given as fifty-three. He appears in the 1861 census also. In both cases his occupation is shown as whitesmith rather than constable.



dedicated and efficient parish constable.<sup>141</sup> In 1827 he was praised for his 'active and unwearied service' in detecting the members of a housebreaking gang who had terrorised the neighbourhood. Constable Johnson had carried out observations at night with other constables, and at 4 am one day had followed two local men and a stranger to a house from which three men were about to leave on a housebreaking expedition. They were detained for interview and this provided evidence of stolen property in a house in Petticoat Lane. Johnson and the turnkey from Halstead house of correction were despatched with warrants to search houses in Petticoat Lane, assisted by London constables, and a large amount of stolen property was recovered. Eventually the whole gang was arrested. The press reported that 'Johnson's service to the public on this and other occasions have made him liable to a substantial reward.' The principal inhabitants of Halstead were invited to leave donations at the office of local solicitor Orbell Hustler.<sup>142</sup>

Some of Johnson's other activities were more mundane. He assisted the overseer with valuing and distraining goods for non-payment of debts, for example, and attempted to recover money that the parish had lent to individuals before the Poor Law Act of 1834 assumed such responsibilities. Surviving bills reveal that Johnson's skills as a whitesmith were used by the parish, and he also seems to have been involved with weights and measures, although it is not clear whether this included checking the efficiency of other tradesmen's scales. In March 1835 Johnson claimed 1s 2d for a brass weight, 1s 9d for a lock with two keys for the workhouse gate, 2s 6d for repairing and adjusting a scale beam. He also repaired irons and locks

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<sup>141</sup> A whitesmith was a worker in white iron, a tinsmith, one who finishes metal goods as distinct from one who forges them. *Shorter OED* p 2421.

<sup>142</sup> *Kent and Essex Mercury*, 24 April 1827.



at the poor house.<sup>143</sup> Dates on the surviving bills and vouchers make it clear that constables needed to be men of means since the expenses claims were processed very slowly. Parish constable Richard Osborne, for example, made a claim in November 1845 which was not passed for payment until 3 March 1846, after it had been authorised by two JPs in petty sessions.<sup>144</sup> Such delays were quite common.

There were moves in Halstead to adopt the 1830 Lighting and Watching Act, until a complicated dispute arose about the interpretation of Section 25 which referred to the collection of rates. Some residents pointed to apparent discrepancies in rates charged to occupiers of houses and rates claimed from owners of land. Because of the number of farms and houses outside the town, many ratepayers felt they would not get value for their rates.<sup>145</sup> Counsel's opinion was sought, and it was eventually decided to adopt only the lighting provisions of the 1830 Act, and leave the constables under parish control.

The vestry minutes make no mention of local constables having been appointed under the amended County Police Act of 1840, although Halstead did comply with the 1842 Parish Constables Act by presenting the names of ten men to the local bench. There were few surprises, as the list was headed by John Johnson, with Daniel Davey in second place. Davey, a shoemaker, had been constable since 1836. Although the county police force did have a presence in Halstead, there was serious concern about its effectiveness despite its increasing costs charged from the rates. In 1844, therefore, it was decided to appoint paid constables because of concern about the 'utter inadequacy of the protection afforded in this town and

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<sup>143</sup> ERO D/P 96/12/20.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.



neighbourhood by the county constabulary’.

With its initial establishment of only 100 constables and 15 superintendents for the whole of Essex, it is hardly surprising that Halstead residents were aggrieved about the town’s sparse police cover. The first police superintendent for the district was a Scot named Henry Riom who had been an unsuccessful candidate for the chief constable's post. Joining the force instead as a superintendent, Riom was sent to Braintree with three county constables, and given responsibility for six more men who were based at Halstead, Earls Colne and Mount Bures.<sup>146</sup>

One of the earliest police reports involving Superintendent Riom occurred in May 1840 when he and his constables prevented ‘the disgraceful scenes, robberies and outrages’ which usually occurred at Halstead’s annual fair. Riom, however, was dismissed at the end of 1840 for ‘misappropriating county funds’.<sup>147</sup> In June 1841 the South Hinckford district (which included Halstead) had an establishment of one superintendent and three constables based at Braintree (six miles away), one inspector and two constables based at Halstead, two constables covering the parishes of Earls Colne and its smaller neighbours, and one constable at Bures, a rural parish partly in Suffolk. By 1857 the number of constables actually based in Halstead had only increased by two.<sup>148</sup>

A well-attended vestry meeting on 7 March 1844 decided to complain to McHardy about the sparsity of county police in Halstead. The meeting also asked for an explanation about the differences in powers and authority between county and parish constables. McHardy accepted the invitation to attend the next vestry meeting

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<sup>146</sup> ERO Q/Apr 1.

<sup>147</sup> ERO J/P 2/1.

<sup>148</sup> ERO Q/APr 1-12.



where 'he entered into a long explanation as to the duties to be performed by the parish constables.' At the end he was accorded a vote of thanks for 'his courtesy in attending the vestry, and the satisfactory explanations he had given.'<sup>149</sup> The town agreed to appoint two paid constables at £20 each a year, and John Johnson and Daniel Davey were the selected candidates. However, in addition to the two paid constables, Halstead also appointed twenty men to serve on an occasional basis. Johnson and Davey continued as paid constables until 1847, then they seem to have reverted to unpaid status for one year. Their paid status resumed in 1848, albeit at a reduced rate. In White's *Directory* of 1848 there seems to be an acknowledgment of near-equality between parish constable and regular police officer; John Johnson is listed in the miscellaneous section as constable, a mere three lines below William Hunt, county police inspector. However, Johnson is also shown in the trade section as a whitesmith.<sup>150</sup> When the volume ends in 1852 there were still twelve parish constables in Halstead, headed by John Johnson and Daniel Davey.<sup>151</sup>

The detail employed in this chapter significantly extends the work of Philips and Storch by providing evidence that the existing policing structures were still operating even after the county police were introduced. It also shows that some of the men who held positions as constable or watchman were both reasonably efficient and also effective and, in Essex at least, shared in the new lease of life given to the old system by the 1842 Parish Constables Act. The evidence here demonstrates the astonishing intricacies of the old system as when, for example, communities opted

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<sup>149</sup> ERO D/P 96/12/20.

<sup>150</sup> White 1848 p 694.

<sup>151</sup> ERO D/P 96/8/4. Daniel Davey died in 1855 when he was about fifty-seven, although there is no indication that his constabulary duties were a contributory factor. His will was made in 1855 and proved on 3 July that year. He left all his property and goods to his wife, and rents of 'my houses or estates wherever situated'. (ERO D/ABR 36/1279). It suggests that Davey may have been quite a wealthy man.



into policing under the lighting and watching legislation or opted into or out of the practice of having paid constables. The sheer complexities of the old style of policing may perhaps be another reason that helped the eventual acceptance of a new police system that operated much more transparently as part of county government. But within the old structures can be seen elements of local pride and independence, if sometimes tempered by parsimony. Different communities employed different models depending largely on the way that parishes, hamlets and wards had evolved. While none of the Essex towns has left the sort of detailed records that enabled B J Davey to chronicle the policing developments at Horncastle in Lincolnshire, it is clear that Chelmsford, Braintree and Walthamstow, were keen to establish new systems of policing well before the advent of the new county police, and they went a long way towards achieving their goals. The Walthamstow experiment with subscription police is particularly significant here.

Writtle is, perhaps, unusual in selecting all its constables at the court leet until just before World War I, although their real powers had gradually diminished from the mid-nineteenth century. However, evidence that the parish paid the bills of the manorial constables and used them as if they had been appointed by the parish, is interesting. Halstead and Springfield illustrate a sort of civic pride in their respective communities, especially in Halstead where local businessmen and minor gentry turned out to support and accompany constables at a time when moral outrages seem to have been affecting the town. The sheer variety of policing systems argues against there being any master plan for the county.

Philips and Storch have stressed that in the 1830s the old policing systems were actually adapting to some of the new ideas. It is clear from the evidence in this chapter that while criticism of parish constables was often made at national and



county level, local communities knew that they had some good men as constables who were carrying out their duties in an organised and professional way long before the county police had evolved to the point of being able to set the standard. Yet the County Police Act of 1839 was ultimately to change everything, and that part of the story will be dealt with in the next chapter.



## CHAPTER 4

### TOWARDS A COUNTY FORCE

'I think we are bound to take care that the law relating to the duty of constables shall rest upon broad, plain, intelligible principles [...] This rule may serve to avoid disputes as to the authority of peace officers which frequently produce much inconvenience and mischief.'<sup>1</sup>

Policing in Essex during the 1830s and 1840s remained essentially local and dependent upon the traditional practices. But during these two decades the county experienced considerable political and economic unrest, such as the troubles leading to the Great Reform Act of 1832, the Witham fires and the Captain Swing disorders. Concerns about public order were also generated by legislation from the centre such as the Beer Act of 1830 and the new Poor Law Act of 1834. Many of the ruling elite in Essex, like elites elsewhere, were concerned that policing systems were not adequate for changing circumstances. But even after central government provided the necessary enabling legislation in 1839 and 1840, there was no clear idea of the way ahead.

This chapter is concerned with some of the anxieties generated by the problems of those two decades. It discusses a few of the ideas that were considered by central government and within the county to deal with such anxieties, and the way in which the magistrates in quarter sessions took on the enabling legislation of 1839 and 1840 to establish a county police. But first it is worth a tangential glance at the facility for employing and deploying auxiliary police officers - special constables - in emergencies, during the first half of the nineteenth century.

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<sup>1</sup> Mr Justice Best delivering his observations on the duty of constables. This was reported in the *Chelmsford Chronicle* on 4 July 1823.



# Petty Sessions, MANNINGTREE,

DECEMBER 7, 1880.

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**The Magistrates of the HUNDRED OF TENDRING having received Information of ILLEGAL ASSEMBLIES of the LABOURERS, have deemed it expedient to swear in SPECIAL CONSTABLES in every Parish; and the Magistrates recommend that the Special Constables so sworn, will select one Person in each Parish through whom Orders may be communicated. Should any Outrage occur, information is to be forwarded by a Horseman to the Chief Constable of the Division, and a Notification to be given to a Constable of each Parish through which the Horseman will pass, and such Constable to assemble all those of his Parish.**

In the preservation of the public Peace, it is expected many of the Residents in the Hundred will unite, who may not form part of the Constabulary Force; especially to them, the Magistrates earnestly inculcate the necessity of Order and a uniform system of Action in unison with the Chief Constables, to whom the Magistrates' instructions will be regularly communicated.

It is hoped that the Remonstrances of the well-disposed may have had due effect on the misguided Populace, but should any in future assemble and commit Outrage, the Constables will use all possible exertions to procure the aid of contiguous Parishes.

The Mounted Force, of which the Magistrates doubt not a large Body will be formed, will not advance, except in cases of immediate necessity, beyond that on foot, and on coming up to the Multitude they will require them to select three or four Individuals to state their grievances to the Magistrates, and then to disperse; but should they unfortunately refuse to comply, and commit any Acts of Violence, the Ringleaders must be secured, in order that they may be dealt with according to Law.

The Chief Constables will assure the misled People that the Magistrates are always ready to redress every Grievance in their power, and that acts of Outrage and Tumult necessarily tend to augment the Distress of which they complain, and of which all Classes in a greater or less degree now participate.

The Magistrates most earnestly recommend to the whole of the Constabulary Force, the strictest observance of good Order and Sobriety.

THOMAS NUNN,  
R. W. COX,

H. R. SOMERS SMITH,  
THOMAS NUNN, Jun.



### ***Using Special Constables***

The 1832 survey of peace officers specifically excluded special constables, (apart from an incidental reference in Stondon Massey).<sup>2</sup> It had been common in the eighteenth century to recruit special constables, in preference to using soldiers to deal with riot and disorder. However, one of the earliest nineteenth-century references to special constables was a request by Chelmsford inhabitants in 1813 for special constables to protect the Shire Hall when victory against France was being celebrated with a 'display of illuminations.'<sup>3</sup> It is not known whether the request was approved. More formal arrangements for appointing special constables were introduced by the Special Constables Act of 1820<sup>4</sup> after there was uncertainty about whether magistrates could lawfully swear in special constables in anticipation of trouble rather than waiting until a 'riot, tumult or felony' had begun. Significantly the 1820 Act was introduced in the aftermath of the Peterloo Massacre in August 1819, when the deployment of soldiers to make arrests during a political meeting had ended in disaster. The new Act allowed JPs to appoint special constables if five householders made statements on oath which alleged a disturbance was imminent. On 10 February 1824, for example, several 'respectable inhabitants' of Chelmsford applied to petty sessions for two special constables because there had been a series of disturbances and more were feared. The application was heard behind closed doors but refused because, it was said, Chelmsford was adequately protected by

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<sup>2</sup> ERO Q/CR 7/1.

<sup>3</sup> ERO P/CP 2A.

<sup>4</sup> 1 Geo IV cap 37.



constables and watchmen, and 'the appointment of specials was not expedient.'<sup>5</sup>

Nothing is known about why such a decision was made.

On 27 November 1830 the Home Secretary, Lord Melbourne, wrote to Viscount Maynard, Lord Lieutenant of Essex, indicating that he was aware of the riotous situation caused by agricultural disturbances in the county. Just over a week later the Clerk of the Peace, C C Parker, sent a copy of that letter with his own observations to J F Ambrose, a magistrate at Mistley:

On my way Home from Beaumont today I met at Tendring about 100 labourers collected who were resolved to have higher wages. I understand they propos'd going to Oakley, Mistley and Harwich and would compel others to join them. I afterwards called on Genl. Rebow and on my suggestion Sir Thomas Ormsby said he would immediately ride and inform you and such Justices as he conveniently could. I trust he succeeded in seeing you and as I intimated you proceeded to swear in as many special constables as possible which I think should be done throughout your Division ...<sup>6</sup>

On 8 December 1830 the Lord Lieutenant and county magistrates met in the Shire Hall, instructing all magistrates' clerks to list existing special constables, and urgently to prepare returns of those willing to serve as mounted specials. Plans were made for action. If trouble seemed imminent a mounted special was to tell the high constable of the Hundred, as well as the constable of each parish he passed through. Each parish constable was then supposed to call out specials in his parish. The Alresford curate was not sure whether his parish constables would be able to cope with public order problems, and he wrote to the magistrates at Manningtree:

My parish will thank you to swear in the persons who come with this note as Special Constables ... we are pretty quiet here but we have suspicious persons in the parish and menaces have been made ... therefore as Barton one of the constables is generally out of the way, and Candler the other resides at the extreme boundary of the Parish we hope you will readily comply with our request.<sup>7</sup>

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<sup>5</sup> ERO P/CM 8.

<sup>6</sup> ERO Q/APp 1 - not individually numbered.

<sup>7</sup> Ibid.



On the same day as JPs were meeting at quarter sessions a circular letter was issued by the Home Secretary to each bench of magistrates. The letter warned JPs of the need for impartiality, and reminded them that machines were also entitled to the protection of the law. It was emphasised to magistrates that they must not 'recommend the Discontinuance of the Employment of Machines used for thrashing out Corn and other purposes ... or settle the Amount of Wages of Labour.' That would mean they were assisting 'in the Establishment of a Tyranny of the most oppressive Character.'<sup>8</sup>

The existence of a bundle of quarter sessions papers concerned with the 1830-31 disturbances has allowed a study of how the Special Constables' Act of 1820 operated in the parishes of Braintree, Halstead, Chelmsford and Writtle.<sup>9</sup> Those parishes lie in the North and South Hinckford and Chelmsford divisions respectively, and the first two divisions swore in large numbers of special constables in December 1830. Of the 226 men sworn in Halstead between 14 - 16 December 1830, there were 50 horsemen, 144 foot patrols, and 24 army pensioners. Army pensioners had long been used in times of social unrest as special constables.<sup>10</sup> The parish constable played a major role in the administration, completing and signing all the forms required by JPs. Braintree signed up 57 men, 8 of whom were horsemen, and

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<sup>8</sup> Ibid.

<sup>9</sup> Some parishes incurred considerable expense to equip their special constables and the accounts were submitted to quarter sessions for reimbursement. Nazeing, for example, sent in a bill from William Parker, 'gunmaker to the King', 223 Holborn, 'for supplying 20 lance wood truncheons, painted blue, numbered 1 to 20 and titled in gold 'Nazeing Special'. Each truncheon cost three shillings, including the leather thonging. (ERO Q/APp 1).

<sup>10</sup> Ten years later the practice was regulated by an Act of 6 & 7 Vic. c95 when retired soldiers were given eight days training a year, and volunteers aged up to fifty-eight could be used. John Saville, 1848, (Cambridge University Press, 1990), p 26.



also 19 army pensioners. Large numbers were also sworn from nearby parishes including 122 in Earls Colne and 27 in Colne Engaine.<sup>11</sup>

Most of the special constables remained in office until a meeting of petty sessions on 29 November 1831 decided that any specials who did not have legal settlement in their respective parishes should immediately stand down. There is no indication as to why settlement was suddenly so vital, unless it implied a possible expense to the parish if they were injured on duty.<sup>12</sup> Thirty-one of the Braintree specials were discharged in batches on 23, 24 and 28 November 1831, with parish constable Thomas Burton signing the appropriate forms.<sup>13</sup> Beside the name of Joseph Patmore, army pensioner, a Braintree constable wrote 'says he belongs to Braintree and told that if he does so he is not discharged and if not he is'.<sup>14</sup>

It is difficult to calculate how many special constables were sworn in across Essex during December 1830 and early 1831. However a surviving list for the 20 parishes in Chelmsford division provides an insight. A total of 745 men were attested, ranging from one in Widford and six in Broomfield to 103 in Chelmsford and 82 in Writtle.<sup>15</sup> Writtle seems to have been a hot spot of dissent. After hearing a case of riot and felony in March 1831, the magistrates' clerk wrote 'this parish has been in some measure the scene of disorder from the period of the first fire at Francis Farm in the

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<sup>11</sup> The population of Earls Colne and Colne Engaine in 1841 were 1835 and 625 respectively.

<sup>12</sup> ERO P/HZ 1.

<sup>13</sup> Ibid.

<sup>14</sup> Under the Law of Settlement of 1662 individuals gained settlement by birth, marriage or apprenticeship, or by living within a parish, or being engaged to work there for a complete year. Not until 1795 was it further decreed that only those actually in need of poor relief should be removed from a parish in which settlement was not legally held. Later still, the practice grew of sending relief to an individual from his parish of settlement if he became chargeable, rather than paying the expenses to move him to his place of legal settlement. Legal provision for settlement was, surprisingly, still operating under the Poor Law Act of 1930. Maurice Bruce, *The Coming of the Welfare State*, (Batsford, 1968), pp 41-45.

<sup>15</sup> ERO Q/APp 1.



beginning of February 1831'. The riot had resulted from six drunken defendants fighting the landlord of one of the inns, and the constables being 'not able to secure them'.<sup>16</sup>

The Writtle constables have been considered in Chapter 3, but there will be a focus on Writtle special constables in this chapter. Some of them were undoubtedly the same men, but it has not always been possible to identify different generations of the same family because the same Christian names were often used. However, there only seems to have been one Francis Flack in early nineteenth-century Writtle. He had been a leet constable for Highwood in 1823, and was sworn as a special in 1830. Flack served again as leet constable between 1832-1840. Sometimes it appears that experience as a special whetted the appetite for other constabulary duties. George Wilks, for example, was sworn as a special constable in 1830, and subsequently became constable for Beadles End between 1838-1840. The Pearson family used the name William in at least two generations, and William senior and William junior were both sworn as specials in 1830.<sup>17</sup> Presumably the William Pearson who was constable for Writtle Town in 1853-55 was the 'junior' in 1830, as he appears in the 1851 census as a 46-year-old shoemaker. Two men named Thomas Norrington became specials in 1830, and a man of the same name was constable for Highwood in 1824.<sup>18</sup>

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<sup>16</sup> ERO P/CM 1/14.

<sup>17</sup> A William Pearson was excused the payment of poor rate in November 1830, which suggests a man of fairly lowly status. (ERO P/CP 33).

<sup>18</sup> At the present time Robert Resker is something of a mystery as his name does not appear in the 1841 census for Writtle. As he seems to have been parish constable from at least 1806-33 he may have been dead by 1841. However in the vestry minutes (ERO D/P 50/8/4) he is being paid for constables' bills incurred prior to July 1805. Resker is not a common name in this area, so it is interesting to find a Robert Resker as parish constable of Springfield between 1789-91. A Robert Resker was receiving dual expenses in 1825 as he claimed unspecified expenses for the office of constable of £7 2s and £80 0s 8d 'for the poor house'. It is not known whether they were the same man, or whether the two were related. (ERO D/P 50/8/4).



In October 1831, with the Whigs in government, a new Act gave JPs extended powers to organise bodies of special constables 'when the ordinary officers are not sufficient'. The Special Constables Act of 1831 included a prescribed oath which was still being used for swearing-in county police in the 1840s.<sup>19</sup> Apart from riots and fairs, special constables appointed under the 1831 Act were most commonly used for the policing of elections. Complications arose because there was no central policy on how the men should be paid on such occasions. In July 1836, for example, Romford JPs submitted a bill for payment of eighteen specials at a rate of 12s 6d each per day. One JP observed that Maldon specials were never paid more than five shillings a day for the two days of the elections, while Chelmsford specials were paid a total of 12s 6d for two days of work. There was support for a 'uniform and impartial system' after the mayor of Maldon had sworn in six specials for one of the candidates, only to be told by another candidate 'now you must swear in some of my friends'.<sup>20</sup>

Another clause in the 1831 Act allowed JPs to regulate the behaviour of special constables, and the following instructions were drawn up by Essex justices:

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<sup>19</sup> David Philips & Robert Storch, *Policing Provincial England*, (Leicester University Press, 1999). [Hereafter P&S] p 139. The oath under 1 & 2 Wm IV c41 was: 'I AB do swear that I will well and truly serve our Sovereign Lord the King in the office of special constable for the parish of X without favour or affection, malice or ill will, and that I will to the best of my power and knowledge cause the peace to be kept and preserved, and prevent all offences against the persons and properties of his Majesty's subjects, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to the Law. So help me God.'

<sup>20</sup> *Chelmsford Chronicle* 1 July 1836.



In the event of an alarm of Fire or tumultuous assembly for riotous purposes you should hasten to the spot or as near to it as will enable you to form a junction with others known to be Special Constables. If on your way you meet any doubtful or suspicious characters coming from and more especially if running from (in a case of fire) the quarter in which it is supposed to be at the time, you will do well to stop him or to follow and watch him till you meet with an assistant and if such person cannot give a perfectly satisfactory account of himself, keep him in custody for examination, particularly observing that he throw nothing away from his person. No honest man with honest intentions will entertain any other feeling than of approbation of your alacrity for the purposes of public and private tranquillity, and as to any other the Law will protect you from any consequences if you act with a sound discretion and with perfect integrity. I strongly recommend when any one is so stopped that you use these words: In the King's Name I a Special Constable command you to stop and given an account of yourself.<sup>21</sup>

Special constables proved their worth in the disturbances of 1830-31, and examples have been found of their regular use to support parish constables and also members of the county police.<sup>22</sup> On 4 June 1836, for example, the clerk to Billericay magistrates informed the Lord Lieutenant that two of his JPs had sworn in nine special constables for no particular reason other than as a precaution because there were only two 'common constables' in Billericay.<sup>23</sup>

In 1843 the *Constables' Guide* observed that special constables did not differ in authority from ordinary constables, and their perceived incompetence was caused partly by uncertainty about their role. When special constables were told in a plain way what was expected of them, concluded the writer, they usually fulfilled their duties 'with fidelity and despatch'.<sup>24</sup>

David Philips and Robert Storch have shown that Peel, despite the traditional Tory back bench suspicion of central government and paranoia about standing armies, wished to follow the Metropolitan Police Act with a broader measure of

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<sup>21</sup> ERO Q/APp 1.

<sup>22</sup> See Chapter 6 for use of special constables in Harwich.

<sup>23</sup> ERO Q/SBb 523/15.

<sup>24</sup> Ibid. p 5.



provincial police reform organised on a centralist plan.<sup>25</sup> In the policing context fear of centralisation has often been interpreted as resistance to increased control from the Home Office, and thus a diminution of the role of local JPs. However Carolyn Steedman has argued that there was also fear of 'county centralisation', removal of autonomy from individual magistrates to a semi-professional bench of JPs sitting regularly at quarter sessions who would be more easily influenced by the county hierarchy.<sup>26</sup> Essex evidence supports such an interpretation, as it is demonstrated throughout this thesis that there was a two-tier system of JPs in operation, which was made more formal after 1840.

### ***The Grey Bill and the Constabulary Commission***

The late twentieth century discovery of an actual draft of the Bill, showed that Lord Grey's government, possibly precipitated by the Swing disturbances, was planning a national police scheme as early as 1832.<sup>27</sup> Although the Bill was never presented to Parliament and sank in the aftermath of the Reform Act, it is helpful to consider it as one of the steps on the path to a unified police system. Grey's Bill did not propose a single national force, but a network of police agencies organised by stipendiary magistrates who were to be responsible to the Home Office. Police districts would have comprised a single town, or a group of smaller towns and rural districts, with

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<sup>25</sup> P & S p 61. The fear of centralisation implicit in many of the debates about policing can be traced back to the 1689 Bill of Rights which declared it an offence to keep a standing army in peace time without the consent of Parliament. Many gentlemen chose to interpret that as a prohibition against a state-run police force. P & S p 59.

<sup>26</sup> Carolyn Steedman, *Policing the Victorian Community*, (Routledge & Kegan Paul, 1984), p 19. [Hereafter Steedman].

<sup>27</sup> David Philips & Robert Storch, 'Whigs and Coppers: the Grey Ministry's National Police Scheme 1832,' in *Historical Research*, (Vol. 67, no. 62, February 1994), p 75-90.



both police and stipendiary magistrates, especially in those districts affected by disturbances.<sup>28</sup>

Government restructuring of the Poor Law in 1834 helped reawaken interest in reforming the police. However an administrative ruling from the Poor Law Commission in 1836 had the unforeseen effect of making it illegal for parish constables' expenses to be paid from poor law funds, thus inhibiting the further development of rural police schemes under Poor Law unions. In consequence parish constables were subjected to even more criticism if they refused to act without payment. Such criticism was noticeable in Tendring, for example, where Rev. George Burmester's returns to the Constabulary Force Commissioners (hereafter CFC) in 1836 observed that the constables' bills in Little Oakley were only paid twice a year 'from some notion of economy'.<sup>29</sup>

There are many references to constables' expenses in the original returns of the CFC, which was instigated by Edwin Chadwick, and sat between October 1836 and March 1839. Chadwick formulated many of the questions which included, for example, requests for information about the extent of crime and the perceived inadequacy of parish constables. On 8 November 1836 all benches and Boards of Guardians were sent a detailed questionnaire with 48 sections; watch committees received one with 34 sections the following month.<sup>30</sup> The journal *Justice of the Peace* suggested that Chadwick carefully selected the responses included in the final report '... magnifying petty evils, [making] unqualified condemnation of existing things, and

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<sup>28</sup> Ibid. p 75.

<sup>29</sup> HO 73/5/1.

<sup>30</sup> Ibid.



[showing] the same absolute persuasion of the perfect efficacy of his nostrums and his alone'.<sup>31</sup>

But there were many positive comments about parish constables in the Essex returns, and this must have been equally true in other parts of the country. Randall McGowen, for example, has drawn attention to the use of parish constables in helping the Bank of England to investigate an extensive outbreak of forgery in the early nineteenth century. He has also suggested that there was a significant sector of society which saw how effectively such constables operated under existing arrangements and therefore considered the urge to modernise less urgent.<sup>32</sup> However such evidence and attitudes ran counter to Chadwick's utilitarian solutions for the problems of crime and idleness among the working class, and found little place in his final report.

Although the collective views of each bench of magistrates were sought by Chadwick's committee, an individual question could be answered by one JP if he signed the form appropriately. Some men also completed a whole questionnaire with their own views. These included Rev. Thomas Sudbey of Corringham, John Disney of Ingatestone (a chairman of quarter sessions), and Lord Petre of Thorndon Park near Brentwood (a Roman Catholic). It is clear from their answers that both Disney and Lord Petre were in favour of a paid police force. Disney candidly observed that while central Essex suffered from its proximity to London, most of the crime was committed by local people. He believed that the existing system of appointing constables encouraged neglect or favouritism, and would only be resolved by 'making them

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<sup>31</sup> Quoted in Emsley, *English Police*, p 39.

<sup>32</sup> Randall McGowen, 'The Bank of England & the Policing of Forgery, 1797-1821,' in *Past and Present*, Number 86, (February 2005), p 84.



responsible to a system of superiors for omissions as well as commissions.<sup>33</sup> Disney favoured the introduction of 'a vigilant and effective police ... where it is the duty of an intelligent officer to pursue a felony...' Lord Petre made critical comments about some of his fellow JPs. He mentioned those who were 'under false notions of clemency and inclined to be lenient to prisoners', and those who were never at home so constables had to take prisoners to several magistrates' houses. The existence of two such detailed individual responses are unusual, however, as most of the returns were signed by a group of JPs or occasionally by the magistrates' clerk.<sup>34</sup>

In the twelve Essex divisions for which completed questionnaires survive, only a few respondents made major complaints about the system for its lack of supervision and proper financial structure. There were also some references to the use of constables as 'deputies' and 'substitutes', from which it appears that the terms were regarded as interchangeable. However the decision as to whether substitute constables were allowed was dictated by the policies of individual benches of JPs rather than quarter sessions. Hinckford, Epping and Lexden JPs reported that no substitute constables were used (which could also imply they were not allowed). Dunmow magistrates allowed their parish constables to appoint deputies as long as they had been approved by the bench, while the Chelmsford return indicated that the most recent use of a substitute had been twelve years before. Freshwell's return was inconsistent. While the bench did not admit to allowing substitute constables, the return implied that substitutes were appointed from a lower grade to the 'petty

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<sup>33</sup> HO 73/5/1.

<sup>34</sup> Ibid.



tradesmen' usually appointed as constables. In general, therefore, it seems that the use of substitutes was unusual in Essex.<sup>35</sup>

A closer study of the Witham division's return gives a clearer idea of how the policing of that division was structured.<sup>36</sup> Five of the twelve active magistrates signed the questionnaire, including Samuel Shaen, Lord Rayleigh, William Luard, and the Rev. John Page Wood. For the Witham division's seventeen parishes there were five high constables appointed by quarter sessions, and seventy-eight constables appointed by petty sessions. Substitute constables were allowed but were seldom appointed. The return sent to the Witham Guardians was completed by William Luard in one of his other roles, while individual returns were made by five landowners from some of the smaller parishes in the division. Robert King, for example, was a Guardian from Little Braxted (about two miles from Witham), and keen to improve the 'moral condition' of the lower classes to help fight against crime. Laurence Orpen in nearby Rivenhall took a similar moral standpoint, observing that some parishioners were induced to commit crime because of 'bad habits of their own seeking'. Thomas Butcher, meanwhile, supported the principle of having parish constables, but commented that they would only seek an offender who could be easily traced because of constraints on time and money.

Question six sought magistrates' views on failure to bring offenders to justice, with a loaded supplementary question asking if constables were to blame. The responses were varied, and draw attention yet again to the individual nature of local policing in the 1830s. While explaining that complainants sometimes failed to support a prosecution because of expense, or lack of time, Witham JPs commented that

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.



'there is not much to complain of on this head; and... nothing was imputed to the constables'.<sup>37</sup>

There were thirteen active JPs in Hinckford division and three of them signed the divisional return. While they blamed victims for a 'want of active measures in the parties robbed', they also blamed inefficient constables. Ongar JPs complained indirectly about a lack of proactive policing when they observed that constables were only efficient if acting with the authority of a warrant. Chelmsford division, however, noted that its constables often made self-generated arrests in the town.

Question 15 specifically asked if the beer shops or public houses in a division were the subject of complaint, and if so, were they 'ill conducted?' The Witham respondents made a low key response, that 'they are not much complained of and are generally as well conducted as can be expected'. Other divisions, however, criticised arrangements for monitoring the beer shops that had been legalised by the Beer Act of 1830. In place of a sixteenth-century statute giving JPs sole control over the licensing of brewers and publicans, the Beer Act gave any rate-paying householder the right to brew and vend beer from his house. Within six months of the Act being implemented there were about 24,000 beer houses in England and Wales, as well as more than 51,000 public houses.<sup>38</sup> Drunkenness became a major problem.

Nicholas Mason asserts that the Act symbolised a turning point in the behaviour of labouring people, as well as inspiring considerable debauchery which, of course, affected policing. In 1834 a Select Committee inquiring into drunkenness reported on the state of labourers who had, almost with impunity, taken advantage of

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<sup>37</sup> Ibid.

<sup>38</sup> Nicholas Mason, 'The Sovereign People are in a Beastly State: The Beer Act of 1830 and the Victorian Discourse on Working-Class Drunkenness,' in *Victorian Literature and Culture*, (2001), pp 109-127.



the new freedom to drink. One of those giving evidence from his position as a member of the Poor Law executive was Edwin Chadwick. It is no surprise, therefore, that Chadwick included a question on beer shops in the questionnaires for the CFC. Some of the Essex responses were caustic. Brentwood division, for example, alleged that half its beer shops received stolen goods, and were the rendezvous for thieves and whores especially on Saturday and Sunday nights. There seems to have been no compulsion for parish constables to inspect beer shops unless they were directly instructed by magistrates, and there was little incentive to do so voluntarily. Ongar division reported that many poachers played skittles in the beer shops by day. Beer shops were also labelled as a source of crime by the JPs and Guardians of Epping, Freshwell and Havering divisions. Dunmow magistrates thought there should be a stricter surveillance of beer shops, but observed that:

All attempts to reduce these pests to society into proper regulations will be vain so long as their occupiers (who are merely the brewers' agents) are suffered to retail this poison and brutalizing liquor. Some of those sinks of vice and infamy ... are the resorts of poachers, thieves, prostitutes and other persons of abandoned character. Still few can be found to inform against them. The parish constable never will interfere unless compelled.<sup>39</sup>

The CFC also asked whether a division had any lodging houses 'for trampers, vagrants or mendicants', whether such lodging houses were inspected and by whom, and whether offenders were detained in such places.<sup>40</sup> There were lodging houses in each town within the Witham division, and officials regarded them as 'a great annoyance, [but] not so much to the towns, because in them there is something like an efficient police.' It was when vagrants spread into outlying villages that they often caused 'terror to the people'. Chelmsford's respondents reported that about 2000 vagrants a year used several lodging houses in the Chelmsford area, as the county

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<sup>39</sup> HO 73/5/1.

<sup>40</sup> Ibid.



town was at the centre of a circuit for 'trampers' who were blamed frequently for many reported crimes. While there was no indication of the frequency of inspections, the churchwardens and constables of Chelmsford were reported to occasionally check the lodging houses in the town. That was not the case in Epping, however, where constables refused to inspect lodging houses after their payments were withdrawn under the Poor Law ruling.<sup>41</sup> Such comments on the reluctance and inefficiencies of constables were all grist to the mill for Chadwick.

The responses to Dunmow's CFC questionnaire were signed by five of the seven magistrates living in the division, four of whom were clergymen. The responses are worth closer examination, partly because they include strong views, but also because one of the signatories, Rev. J P R Chesshyre, appended his own plan for rural policing. Chesshyre was vicar of the small but wealthy parish of Little Easton, about two miles from Dunmow.

Dunmow division consisted of 26 parishes covering an area 15 miles by 8 miles with a population of around 12,000. The 36 parish constables were said to have been selected from labourers 'who have the best character and are deemed the most trustworthy'. The return indicated that in the preceding year Dunmow division had 200 reported offences, less than one-fifth of which had been detected. Nearly 50 of the offences were robberies in the parish of Thaxted, although fuller details are not given. While beer houses earned special criticism for the temptations they afforded unemployed labourers, the demoralisation of the 'labouring classes' was also attributed to the game laws. Complaints about delays in serving summonses and executing warrants were made, but these were allegedly caused by the 'stupidity or

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<sup>41</sup> Ibid.



timidity of the parish constable, and sometimes both these difficulties met in the same individual'.<sup>42</sup>

The Rev. Chesshyre's main proposals included abolishing the office of parish constable, and replacing it with a scheme which employed a police superintendent, sergeants and constables. A superintendent of police with a salary of £100 a year was to be appointed for every district containing between 10,000 and 20,000 inhabitants. Each division with a population of between 5000 and 7000 people was to have a police sergeant paid £80 a year plus 'house and firing', and there was to be one police constable for every thousand inhabitants. Each police constable was to be paid £60 a year. The proposals included plans for a station house near the centre of every district, and a horse and cart based at every sergeant's residence.

The Rev. Chesshyre's plan intended the superintendent to be an administrator who would be expected to audit accounts, receive reports from sergeants and present reports to quarter sessions. In addition he was to communicate with the Lord Lieutenant or Home Secretary when necessary, and pay salaries and running expenses. Chesshyre envisaged that the sergeants would make monthly reports to the superintendent, keep their own accounts, direct constables in operational matters and attend petty sessions. As well as patrolling, sergeants and constables were to be appointed prosecutors under the 1835 Highways Act, carry out the other duties formerly performed by parish constables, and deal with the regulation of alehouses and beer houses. Constables were to accept orders from their sergeants and also from magistrates.

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<sup>42</sup> Ibid.



Dunmow JPs considered that their plan would save the county all the high constables' expenses, as well as the fees paid to parish constables if they travelled out of their own division. Subsistence payments for prisoners would still be met. Chesshyre had costed his plan on the geography of the Dunmow division, where the properties of the 12,000 inhabitants had an annual rateable value of about £48,000. Excluding the salaries of nine constables, three sergeants and a superintendent, the estimated cost for one year was £1190. Included in that figure was £90 a year for hiring three furnished station houses at Dunmow, Thaxted and High Easter; £30 for heating the station houses; £20 for wear and tear of carts and sundries, and £20 for 'casualties' (presumably incidental expenses). Chesshyre considered that all the expenses could be defrayed by a rate of sixpence in the pound for the first year, which would diminish in subsequent years. The fact that Chesshyre's original plan remains attached to the Dunmow questionnaire suggests that the Constabulary Force Commissioners found nothing to commend it.<sup>43</sup> The plan ran counter to Chadwick's grander hopes.

### ***The Shropshire Petition and the County Police Act***

The Whig government recognised the impossibility of establishing a national police system along the lines proposed by Chadwick's report, but there was an increasing acceptance that significant changes were needed. The government established a dialogue with county gentry in 1838 after Shropshire JPs petitioned the Home Office for new legislation to set up full-time county police forces. The Shropshire petition gave the government a chance to 'test the water', and copies of the petition were circulated to the chairmen of all quarter sessions benches asking them whether a

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<sup>43</sup> Ibid.



force of full-time police constables financed from county rates would receive support. Philips and Storch, however, consider that there were no plans to introduce police legislation at that time, and that Lord John Russell intended to carry on gradually gathering support from the landed classes.<sup>44</sup>

On 9 April 1839 John Disney discussed the Shropshire petition with twenty other magistrates at Chelmsford, and a variety of opinions were expressed and duly reported in the *Chelmsford Chronicle*. Initially Christopher Thomas Tower had believed that police were only necessary in manufacturing towns. However, after experiencing difficulties in his own town of Brentwood with getting unpaid parish constables, he favoured a paid police who could be 'selected by magistrates prior to any disturbance ... rather than calling out a whole host of persons ... from the fears of timid individuals who expect violence'.<sup>45</sup> William Cotton of Leyton reflected the oft-held view that parish constables mostly failed to act because there was little chance they would be paid, especially since it had become illegal to reimburse them from the poor rates. It was also becoming less acceptable for victims to pay constables' expenses in advance as a guarantee of detailed enquiries being carried out. John Martin Leake of Tendring considered that divisional JPs should be able to select any paid policemen who were going to work in their divisions, but that the appointments should be ratified by quarter sessions. In contrast, Samuel Shaen of Hatfield Peverel felt that purely local appointments might not be efficient because -

We shall find that persons are appointed constables who have an interest in not finding the parties. They are so connected with their own parishioners they are afraid to act. I have found out they have let off delinquents because they were afraid of the consequences to themselves.<sup>46</sup>

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<sup>44</sup> P&S p 138.

<sup>45</sup> *Chelmsford Chronicle* 12 April 1839.

<sup>46</sup> *Ibid.*



Most of the magistrates present were in favour of what they considered to be a more efficient constabulary. A majority supported the idea of constables being appointed at petty sessions but subject to confirmation by quarter sessions, and it was reluctantly agreed that costs must be borne by the county.<sup>47</sup> Although some other counties notified their support for the 'Salop Resolution' it was Chartist demonstrations in Birmingham, Nottingham, Manchester and Bolton during the early summer of 1839 which hastened the introduction into Parliament of a county police bill. Even the *Chelmsford Chronicle* printed references to riots in and around Manchester in its issues of 10, 17 and 24 May 1839.

The speed with which the hastily-drafted 1839 County Police Bill passed through Parliament in July 1839, and the lack of debate, suggests that few questioned the need for improving provincial policing.<sup>48</sup> Magistrates were given the power to appoint, regulate and control a constabulary force for either a whole county or a specific district, financing it from the general county rates. In the rush to get the Bill through Parliament, however, there were several important omissions which were rectified by an amended County Police Act in 1840. Among these was the power to create a specific police rate separate from general county rates.<sup>49</sup>

On 2 August 1839 the editor of the *Chelmsford Chronicle* - a paper which claimed to be 'neutral in politics and independent of party' - introduced its readers to what the County Police Act allowed.<sup>50</sup> Lord John Russell wanted the proposals to be palatable to the county gentry who were sensitive to any hint of government

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<sup>47</sup> Ibid.

<sup>48</sup> Emsley, *English Police*, p 38.

<sup>49</sup> P & S p 142. See Chapter 5 for a discussion on rates and taxes.

<sup>50</sup> Charles Mitchell (ed.), *Newspaper Press Directory 1846*, (London, C Mitchell, 1846).



intervention in their local responsibilities as JPs.<sup>51</sup> The *Chelmsford Chronicle* pointed out that the result of any debate was a foregone conclusion, as the meeting of magistrates in the previous April had already decided that such a force was needed. However, some 'difficulties and inconveniences' were foreseen when it was realised that the force would have to be funded from county rates. The editorial could see few objections to the new Act, mainly because it left power in the hands of 'those who are best qualified from long experience and daily observation to administer them.'<sup>52</sup> It was, of course, referring to county magistrates.

The *Justice of the Peace* had some scathing things to say about the 1839 County Police Act, and was also critical of the CFC Report and its case for a paid full-time police. Readers of the *Justice of the Peace* were encouraged to consult the report for themselves, 'where they will see a huge mass of one-sided evidence collected together, to bring into disparagement all existing local police establishments'.<sup>53</sup> The journal did indeed make an accurate assessment.

Before a county could adopt the new police act a petition had to be made to quarter sessions by at least five magistrates who believed that policing was ineffective in at least one district. In October 1839 the necessary petition was made by Dunmow magistrates whose area adjoined that of the Saffron Walden borough force. In keeping with contemporary thinking, it was stated that the borough force had driven its own thieves into the Dunmow area. Rev. Chesshyre's own plans for a rural police, may, however, have been another consideration. At much the same time the *Chelmsford Chronicle* reported its own survey into local opinion. While nothing is

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<sup>51</sup> P & S pp 141-2.

<sup>52</sup> *Chelmsford Chronicle* 22 November 1839.

<sup>53</sup> *Justice of the Peace* 17 August 1837, p 459.



known about how the survey was carried out or who was questioned, the comments suggest that few of the people who had been approached had any serious objection to the idea of a paid police force as -

The want of an efficient police is widely and deeply felt ... so far as the prevention of crime and the prompt punishment and detection of the criminal are concerned.<sup>54</sup>

Whatever the results of the *Chronicle's* survey and the decision by quarter sessions to discuss the 'Salop Resolution', there remained a considerable number of magistrates and ratepayers who were against Essex adopting the County Police Act. Objections were not necessarily tied to party politics. It has been shown in Chapter 2, for example, that a strong Tory like John Disney had voted for a Whig and a Tory in the 1833 election, suggesting that he, at least, made up his own mind on individual issues. Some of the JPs who were against the county police referred to them as 'gendarmes'. Magistrates using that term in debate, however, were corrected by Disney who pointed out that he himself had 'lived amongst the gendarmes', and he maintained that they had no confidence in one another like English police had, and that they were little supervised. Disney considered that the independence of English magistrates enabled them to ask questions which could benefit the whole police system. Sir John Tyrell was another influential JP who made up his own mind without being tied to party politics. Despite being a Tory MP, he told the heated debate that he lived in a county where party politics were never allowed to interfere with county business. 'Therefore I feel myself free as air in the vote I am about to give - in favour of the police'.<sup>55</sup> It has not been possible to tie William Davis of Leyton to a particular political party. He is on record in 1824 as being against proposals for establishing a

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<sup>54</sup> *Chelmsford Chronicle* 22 November 1839.

<sup>55</sup> *Ibid.* 29 November 1839.



London police, but his views had not changed much in 1839. In the debate about setting-up the Essex Constabulary he protested in dramatic terms but with little effect:

Take the opinion of the county and learn what are the opinions of others on the subject. Let them pray and petition for this measure; let them tell you they are robbed of their sheep and of other property every day and beg that you will adopt this measure as a check.<sup>56</sup>

### ***Establishing the County Police***

In discussing the pattern of adoption of the 1839 Act, Philips and Storch considered that a combination of factors were involved. These included the geographic location and socio-economic make-up of a county and the political disposition of forces within quarter sessions. If these were dominated by a few individual magistrates then their views were crucial. Roger Wells has demonstrated the influence of local magistrates in the implementation and non-implementation of the county police in East and West Sussex. The Earl of Chichester was the powerful and energetic chairman of East Sussex quarter sessions who wished to introduce the County Police Act; the Duke of Richmond, principal landowner in West Sussex, was strongly against the Act's implementation. The county of Sussex was split between the two grandees and their respective factions.<sup>57</sup>

As explained earlier, all magistrates whose names were on the Commission of Peace were entitled to attend quarter sessions. Some made only infrequent appearances, although they may have been more active in their local petty sessions. The strong interest in proposals to set up a police force in Essex can be judged by the number of magistrates who attended the crucial meetings on 15 October 1839, 25 November 1839 and 11 February 1840. Forty-three magistrates attended the

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<sup>56</sup> Ibid. 22 November 1839.

<sup>57</sup> Roger Wells, 'Implementation and Non-Implementation of the 1839-40 Policing Acts in East and West Sussex,' in *Policing and Society*, Vol. 1, 1991, pp. 299-317.



preliminary meeting on 15 October 1839 (13 of them clergymen). Eighty attended on 25 November 1839 (22 of them clergymen), when the formal decision was taken to set up the force, and 75 attended the meeting on 11 February 1840 (26 of them clergymen) when the chief constable was selected. While some JPs attended one or other of the three meetings, 27 magistrates (10 of them clergymen) attended all three.<sup>58</sup> Unfortunately it is impossible to find how each JP voted as the system involved raising a hand to indicate choice; two tellers then reported numbers for and against to the Clerk of the Peace. Unless a magistrate had already indicated his support or disapproval in the preceding debate therefore, (and one has to assume he voted in the same spirit), how an individual JP voted was not formally recorded. The decision to set up the county police was passed by a majority of only seventeen votes.

The significance of the 'core' of influential and hard-working magistrates has already been demonstrated. In a circular dated 19 February 1840 Disney informed all magistrates' clerks in the county (and those JPs who had not been at the sitting of quarter sessions), that a police liaison committee had been appointed which included Lord Rayleigh, the Reverends Cox, Holland, Schreiber, Brooksby and Bramston, and Messrs. Shaen, Haselfoot, Boggis, Pattisson and Luard.<sup>59</sup> The fact that the liaison committee included 'core' justices, and that its existence had to be notified to other JPs in the county, neatly demonstrates the existence of the unofficial 'two tier' system of magistrates that has been inferred by historians such as David Phillips and Robert Storch.<sup>60</sup>

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<sup>58</sup> ERO Q/SMg 38 pp 466-480.

<sup>59</sup> ERO Q/FAb 105/3.

<sup>60</sup> P & S p 84.



Having gained the authority to set up a county force, John Disney, chairman of quarter sessions, then gave his colleagues some of the background information which would determine how that force would be organised. As Disney's presentation was reported in detail in the local press it was, of course, disseminated to a much wider audience. The ability to quote such detailed figures suggests that Disney had undertaken a considerable amount of preparatory work, further evidence that his role as chairman was far from being a sinecure, and that he was being proactive in getting the force he wanted.<sup>61</sup>

The chairman reminded his listeners that since the parliamentary reforms of 1832 Essex had been split into northern and southern divisions. The 173 parishes of the southern division - with a population of 152,176 - were serviced by seven benches. In the northern division there were eight benches covering 209 parishes with a total population of 165,533. While the maximum manpower allowed by the 1839 County Police Act was one constable to every thousand inhabitants, adoption of that formula would have made the force larger than was desirable, probably on the grounds of cost. Fifty constables were therefore allocated to each parliamentary division, with one superintendent to each petty sessions area. The number of personnel in the Essex Constabulary was set at the smallest number possible, namely 100 constables, 15 superintendents and one chief constable.<sup>62</sup>

Disney explained that the Home Secretary had set guide lines for salaries. A county chief constable was to be paid not less than £250 a year, and the recommended wages for superintendents and constables were respectively 30 shillings and between 18 and 20 shillings a week. It was estimated that the Essex

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<sup>61</sup> See the case study of Charles Gray Round in Chapter 2.

<sup>62</sup> *Chelmsford Chronicle* 22 November 1839.



Constabulary would cost £6620 in its first year, a sum which would need a police rate of two pence halfpenny in the pound.

Having received the Home Secretary's approval to set up the county constabulary, an editorial in the *Chelmsford Chronicle* of 20 December 1839 noted that there were 'already nearly twenty candidates for the office of county chief constable'. Apart from underlining the number there were no other comments. Disney was quoted as saying that he would not pledge his support for any particular candidate who had written to him, because his sole object was to 'hit on the right man without any considerations of local interests, of personal friendship or individual wishes.'<sup>63</sup>

On 11 February 1840, in the presence of more magistrates than the *Chelmsford Chronicle* reporter had ever seen in one place, 19 out of the final 31 candidates were interviewed by a committee of magistrates under the chairmanship of Charles Gray Round.<sup>64</sup> The 'excellent choice' was, of course, John Bunch Bonnemaïson McHardy, a half-pay Royal Navy captain, who had made it clear that he was proud of his lack of influence or sponsorship, and his unfamiliarity with Essex.<sup>65</sup>

Within two weeks of being appointed as chief constable, McHardy and his liaison committee of magistrates began recruiting the 100 constables and 15 superintendents who were to form the new force. Potential superintendents were interviewed first - including three men who had applied for and failed to get the chief constable's post. By 13 March 1840 13 constables had been attested before Chelmsford magistrates, and further small intakes were sworn-in every few days, for

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<sup>63</sup> Ibid. 3 January 1840.

<sup>64</sup> The names of 75 magistrates were recorded at the quarter sessions meeting on 11 February 1840. *Chelmsford Chronicle* 14 February 1840.

<sup>65</sup> Maureen Scollan, *Sworn to Serve* (Phillimore, 1993), p 5. [Hereafter Scollan].



example, on 20 and 31 March and on 3 and 10 April. By 8 May the *Chelmsford Chronicle* reported that 99 out of the initial 100 men had been sworn-in. The 1839 Act included no provision for powers of arrest, so the new police were sworn-in as special constables under the 1831 Special Constables Act.<sup>66</sup>

One can only speculate on what prompted men to apply for the new force. Pay may have been one of the incentives as a farm labourer in the Witham area in the 1840s, for example, might earn as little as eight or nine shillings a week, while the first constables were paid nineteen shillings a week.<sup>67</sup> Constables were required to be trustworthy men under forty years of age, 5 feet 7 inches tall and able to read and write. Initially the only two ranks were those of superintendent and constable. Police work was envisaged as an occupation that would not have an 'officer class' from the gentry, so the physical and educational qualifications for the two ranks were similar, both having been laid down in regulations formulated by the Home Secretary. However, within seven months of the force being established the need for a third rank was considered necessary, and the intermediate rank of inspector was introduced. It was relatively easy in the beginning for a competent constable to be promoted quickly to inspector. John May and John Haydon, for example, both joined as constables in April 1840 and were promoted to inspector in November the same year. May was subsequently promoted to superintendent in December 1841.<sup>68</sup> Once the hierarchy of the new compulsory county forces was settled after 1856, however, no man joined at any level higher than third class constable.<sup>69</sup>

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<sup>66</sup> 1 & 2 Wm IV c4. Scollan, pp 8-9.

<sup>67</sup> A F J Brown, *English History from Essex Sources*, Vol. 2, (Essex Record Office, 1952) , p 46 .

<sup>68</sup> ERO J/P 2/1.

<sup>69</sup> Steedman p 106.



There were advertisements for the chief constable's post in both the local and national press, but as no advertisements have been found for constables it must be assumed that the age-old advertising board on the church door was still being used. It is known that each man had to complete an application form<sup>70</sup> but most of the information about early Essex constables has been obtained from a personnel register arranged by a unique number indicating the order in which recruitment was made. Officers' details were later copied into another volume arranged by collar number, but the collar numbers were quickly reallocated when a man resigned or was dismissed. Comparatively few county forces have a complete series of personnel records from the beginning. This makes the Essex details especially interesting, and has allowed the creation of a computerised database of recruits between 1840-60 giving age, former occupation, place of birth, height and marital status.<sup>71</sup>

### ***Using the Personnel Records***

Emsley and Clapson have noted the impracticability of generalising from the experience of only one police force, especially in relation to the employment of former soldiers.<sup>72</sup> This also means that it is impracticable to attempt direct comparisons between Essex and the forces in their survey, because of differences in the types of force and their existing records. However, some general comparisons will be made about previous occupations, birthplaces and military service.

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<sup>70</sup> A photocopy of the original application form for Inspector Andrew Rome survives in the Essex Police Museum. It seems to have been kept for 'novelty value' because Rome was an additional constable appointed by the Burnham Oyster Company. All the original application forms had been destroyed at least a decade before the museum was set up in 1991.

<sup>71</sup> Clive Emsley and Mark Clapson have used some force personnel records for 'Recruiting the English Policeman, c.1840-1940' in *Policing and Society* Vol. 3, (1994), pp 269-286. Steedman also used personnel records although they date from post-1857.

<sup>72</sup> Emsley & Clapson p 274.



A number of standardised designations have been adopted. Men describing their previous jobs as either 'army' or 'soldier' have all been classified as 'soldier', while two 'farmer's sons' have been classified as farmers. Men for whom there are no details apart from name have been discounted, although those only giving details of their place of birth or occupation have been included. Duplicate entries are counted only once. Where a recruit's occupation is given as, for example, gardener and soldier, both occupations have been counted. Since the Essex force was established in 1840 that year has been treated separately in each of the summary charts which follow.

Under the 1839 County Police Act the age of recruits was set by the Home Secretary as 'under 40', although older candidates could be accepted if the Home Secretary gave permission.<sup>73</sup> The table below shows that McHardy only had to seek the Home Secretary's permission for a small percentage of applicants, as Essex fitted the usual profile of having the bulk of recruits joining the police in their twenties.<sup>74</sup> It can be seen that the age group 21 to 25 formed the highest proportion of recruits for the whole date range. In 1840, for example, 17 recruits were aged 21, 18 were aged 25 and 16 of them were aged 32. Only 7 were 24 years old. An explanation for the number of 32-year-olds can only be speculative, but it is surmised that a number may have been soldiers completing their 12 years' period of initial service.

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<sup>73</sup> Scollan p 109.

<sup>74</sup> Emsley & Clapson p 281.



**Table 4.1 Percentage of recruits in five year age ranges**

<b>Ages</b>	<b>%1840</b>	<b>%1841-45</b>	<b>%1846-50</b>	<b>1851-55</b>	<b>%1856-60</b>
20 or under	4.7	2.6	7.4	11.8	5.5
21-25	36.8	41.7	43.4	43.7	47.8
26-30	29.5	31.9	23.6	25.1	27.1
31-35	19.5	14.1	14.4	12.8	17
36-40	6.4	7.4	8.4	4.6	1.9
40 or over	3.2	2.4	3	2	1.2
(rounding)	0.1	0.1	0.2	0	0.5

Steedman pointed out that those who joined England's police forces after 1856 were 'not particularly young men', usually being between the ages of 20 and 25.<sup>75</sup> The evidence from Table 4.1 suggests that this trend was also true of Essex. It is unlikely that McHardy could afford to be particularly selective about age as long as candidates fulfilled the Home Office requirements.

Respondents to questionnaires from the Constabulary Force Commissioners sometimes criticised parish constables because their local ties made them vulnerable to influence. Emsley and Clapson concluded that while forces recruited different percentages of local men (especially later in the nineteenth century), some did not particularly want local recruits, especially the Metropolitan Police.<sup>76</sup> No evidence has been found of any early Essex policy precluding officers from being posted to their home areas, although such policies did exist at some later stages.

The bar charts on the following pages show counties of birth of recruits between 1840-60. Not all birthplaces were recorded in the personnel records, and to avoid uncertainty, entries such as Newport and Bury (without the qualifying county), have been omitted. However, Witham is assumed to be the Essex town of that name.

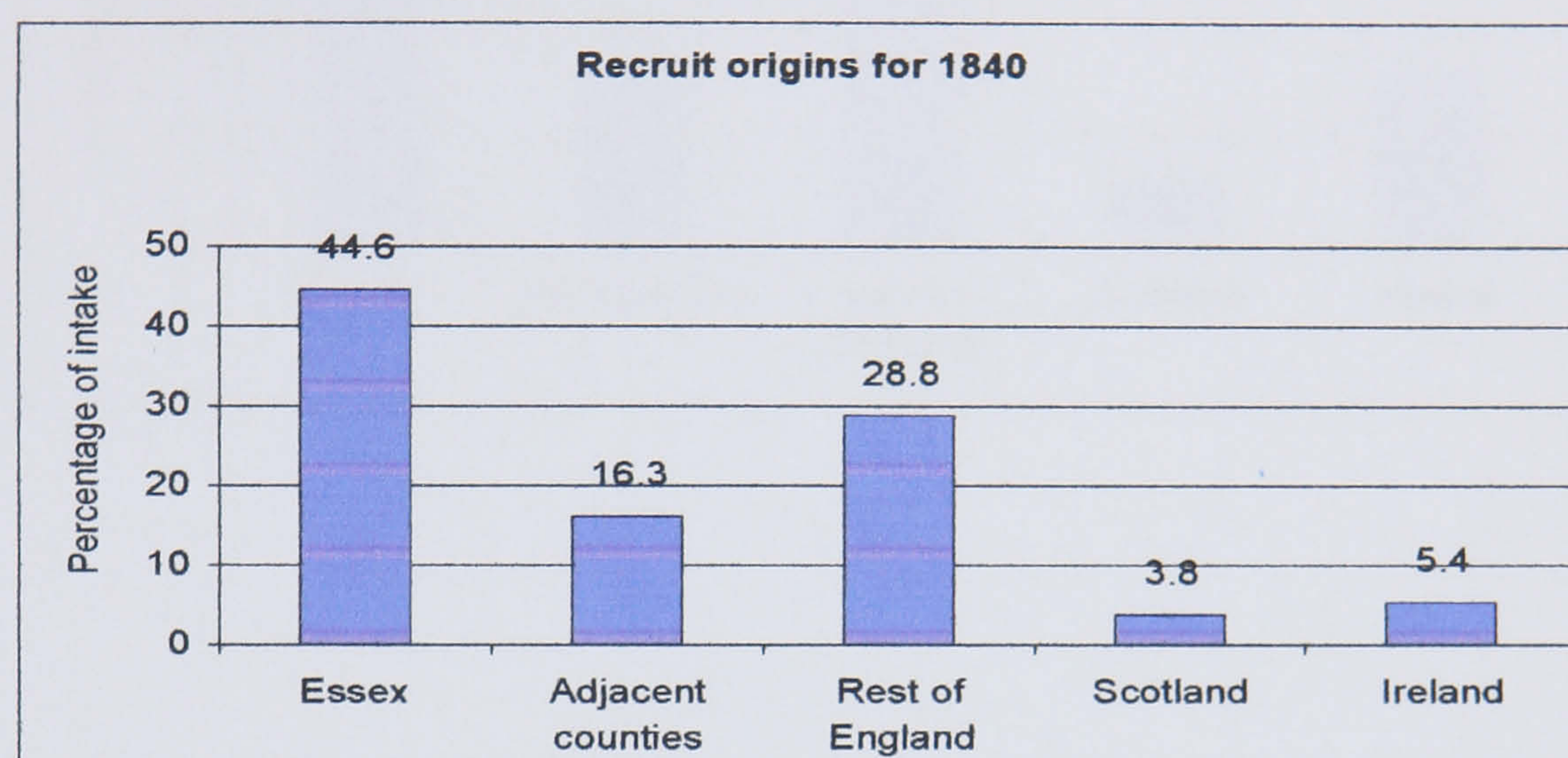
<sup>75</sup> Steedman p 80.

<sup>76</sup> Emsley & Clapson p 276.



Scotland, Ireland and abroad have been treated separately. Adjoining counties are defined as Suffolk, Cambridgeshire, Hertfordshire, London and Middlesex.

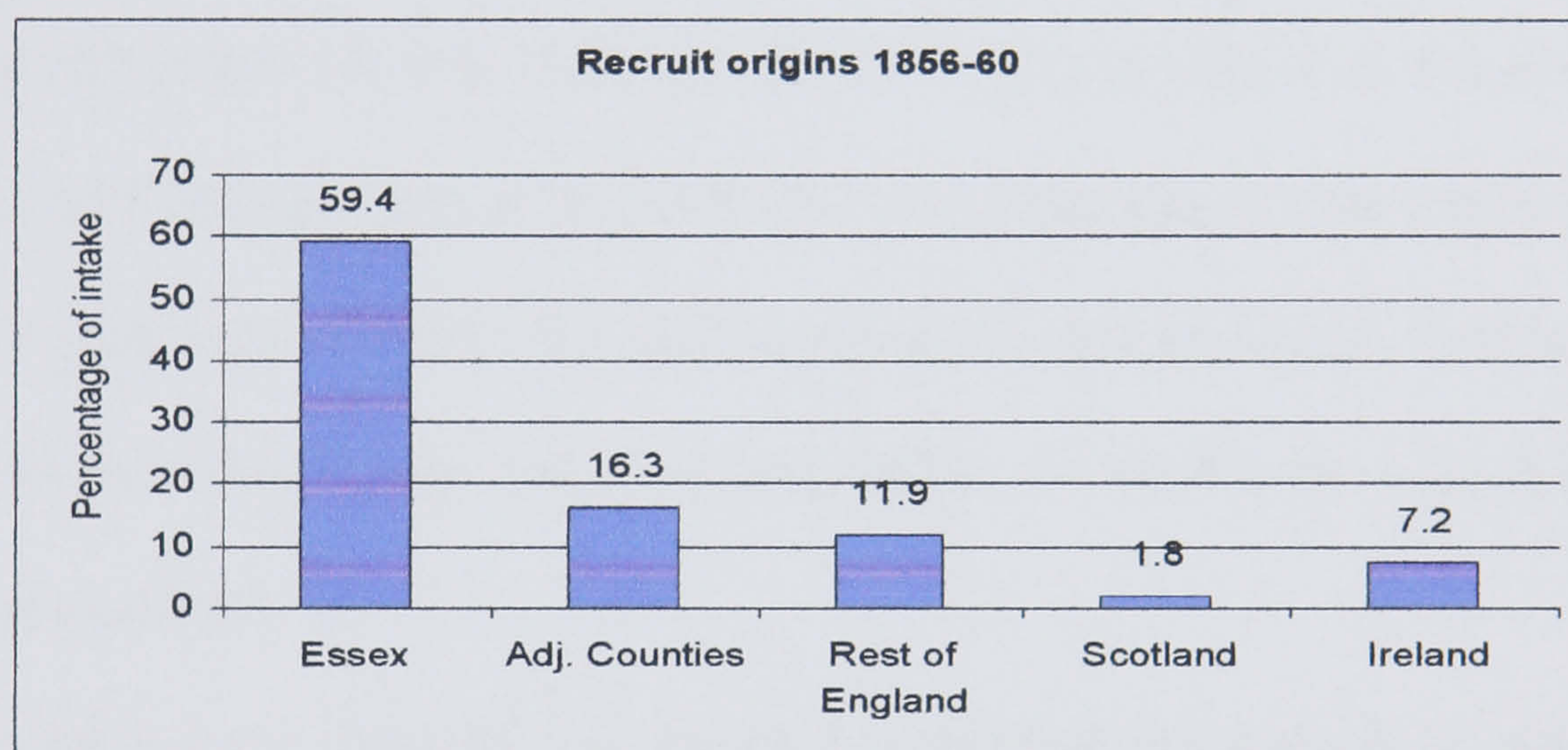
**Figure 4.1 Recruit Origins 1840**





**Figure 4.2 Recruit Origins 1841-45****Figure 4.3 Recruit Origins 1846-50**



**Figure 4.4 Recruit Origins 1851-55****Figure 4.5 Recruit Origins 1856-60**

Apart from the 1841-45 chart the percentage of Essex recruits remains fairly constant. As Emsley and Clapson have observed, the high percentages of locally-born recruits does not mean that the men had never been away; they could have returned home after a spell in the army.<sup>77</sup> Those with places of birth outside Essex could already have been living in the county. Attention has been drawn earlier, for

<sup>77</sup> Ibid. p 277.



example, to the men sworn-in as special constables in 1830-31 who did not have legal settlement in the parishes they were policing.

Emsley and Clapson indicate that from the 1830s around 15.9 percent of the Metropolitan Police were Irish.<sup>78</sup> In Figure 4.2 it can be seen that there was a very similar percentage of Irish recruits to the Essex force between 1841-45 (15.7 percent), and this may be partly explained by the exodus from Ireland in the 1840s to escape hard times, although some of the worst effects of famine occurred after this in 1846. Access to London and Essex would have been relatively easy for Irishmen once Liverpool, Birmingham and London were linked by rail in 1838.<sup>79</sup> Men born in Scotland accounted for six percent of the recruits between 1841-45 although the figures are much lower for the 1846-60 blocks. It is possible that the influx of navvies in the 1840s, and the existence of Colchester and Brentwood as military centres may have been factors, but no hard and fast conclusions are possible. It remains likely that a recruit's place of birth was not a consideration for McHardy who just wanted the best men he could get.

Essex-born men formed the largest proportion of recruits in each of the five year cycles. The figures vary from 9.3 percent [between 1846-50] and 7.2 percent [between 1856-60]. The proportion of recruits born in neighbouring Suffolk remains relatively constant across the 20 years of the study, as do those for Kent. Less surprising are the few recruits with places of birth in adjoining Hertfordshire and

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<sup>78</sup> Ibid. p 278.

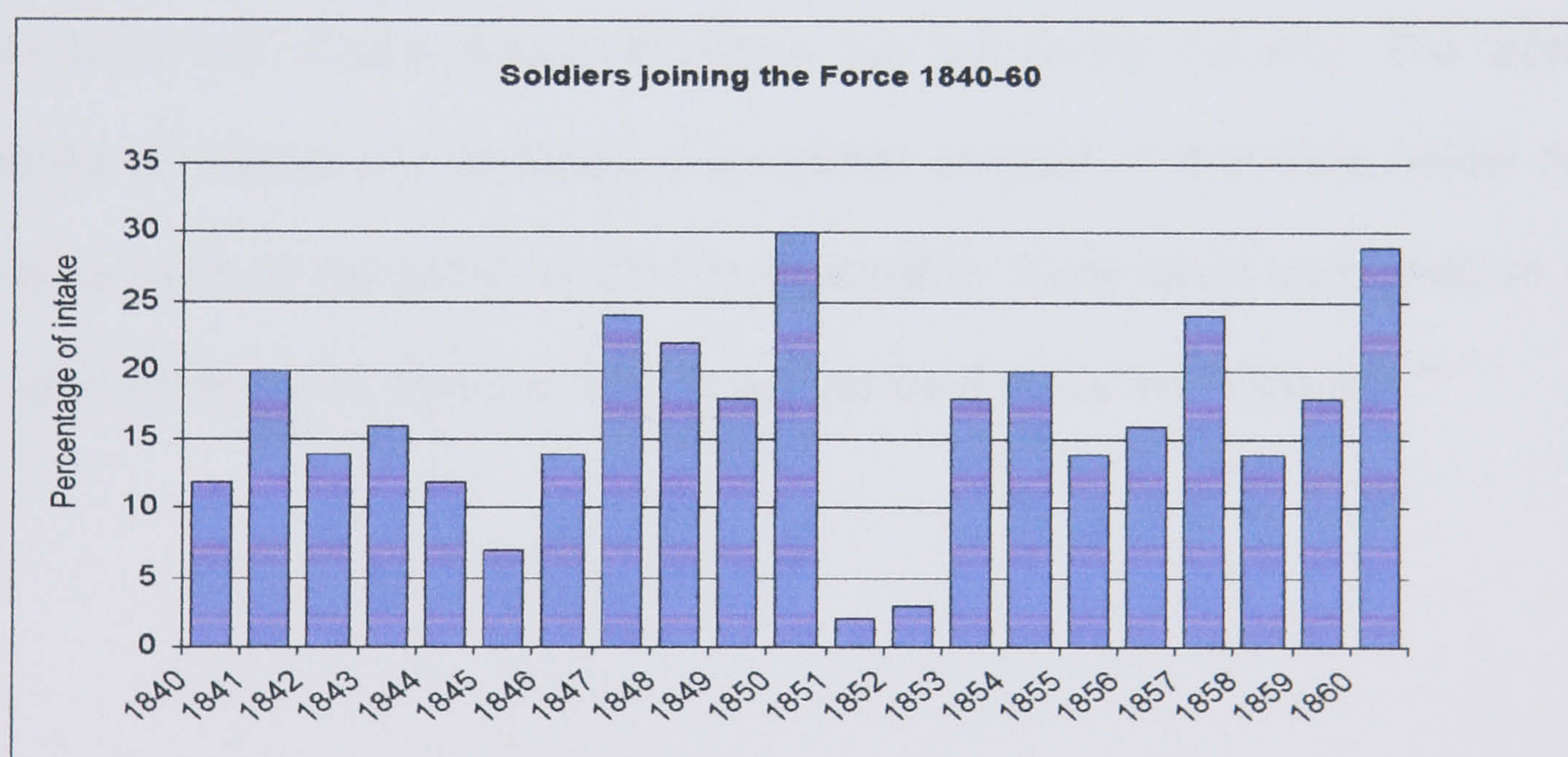
<sup>79</sup> Jack Simmons & Gordon Biddle (eds.), *The Oxford Companion to British Railway History*, (Oxford University Press, 1997), p 270.



Cambridgeshire since those counties set up their own forces in 1841 and 1851 respectively, and locally-born men may have looked to them first.<sup>80</sup>

Emsley and Clapson concluded that few recruits to English police forces gave their previous trade as soldier, although towards the end of the nineteenth century an increasing number had some military experience.<sup>81</sup> In contrast, between 1840-60 Essex had a high percentage of recruits who had been soldiers. While 14 percent was the modal percentage over the 20 years, the extremes ranged from 30 percent in 1850 to 2 percent in 1851. The first year of peace after the Crimean War probably accounts for the high percentage of 24 percent in 1857. However, there are no obvious reasons for the two highest percentages of 30 percent and 29 percent respectively in 1850 and 1860 except, perhaps, a link to War Office policies on periods of military service.

**Figure 4.6 Soldiers Joining Force 1840-60**



<sup>80</sup> Martin Stallion & David Wall, *The British Police: Police Forces and Chief Officers*, (Police History Society, 2000), pp 61 & 102.

<sup>81</sup> Emsley & Clapson p 272. See Appendix 1 for details of previous occupations of Essex officers between 1840-60.



In the twenty years of the survey only a handful of recruits gave 'soldier' or 'army' as one of their previous occupations together with another job. In 1840, for example, there was one recruit who had previously worked as 'law and army,' and another who had been 'baker and army'. In 1850 there was a recruit who had been 'soldier and coast guard', in 1852 'Metropolitan police and railway police' and in 1853 'butcher and turnkey'. The comparatively few entries showing two previous jobs in the personnel registers suggests that a complete list of a recruit's previous jobs was not required, and clerks were given discretion as to what details were recorded.

An agricultural county like Essex naturally employed many constables who had formerly worked on the land, but as Emsley and Clapson point out, distinctions between different sorts of agricultural labourers were more common later in the nineteenth century.<sup>82</sup> As Steedman's figures do not begin until 1856 they are not directly comparable, although she does suggest that many recruits to the Leeds police came from a local supply of labour like the textile industry. The 'agricultural categories' of Essex are, perhaps, the nearest parallel. In the table below the three agricultural jobs of labourer, farmer and gardener have been combined to make a more valid comparison with the figures quoted by Emsley and Clapson.<sup>83</sup>

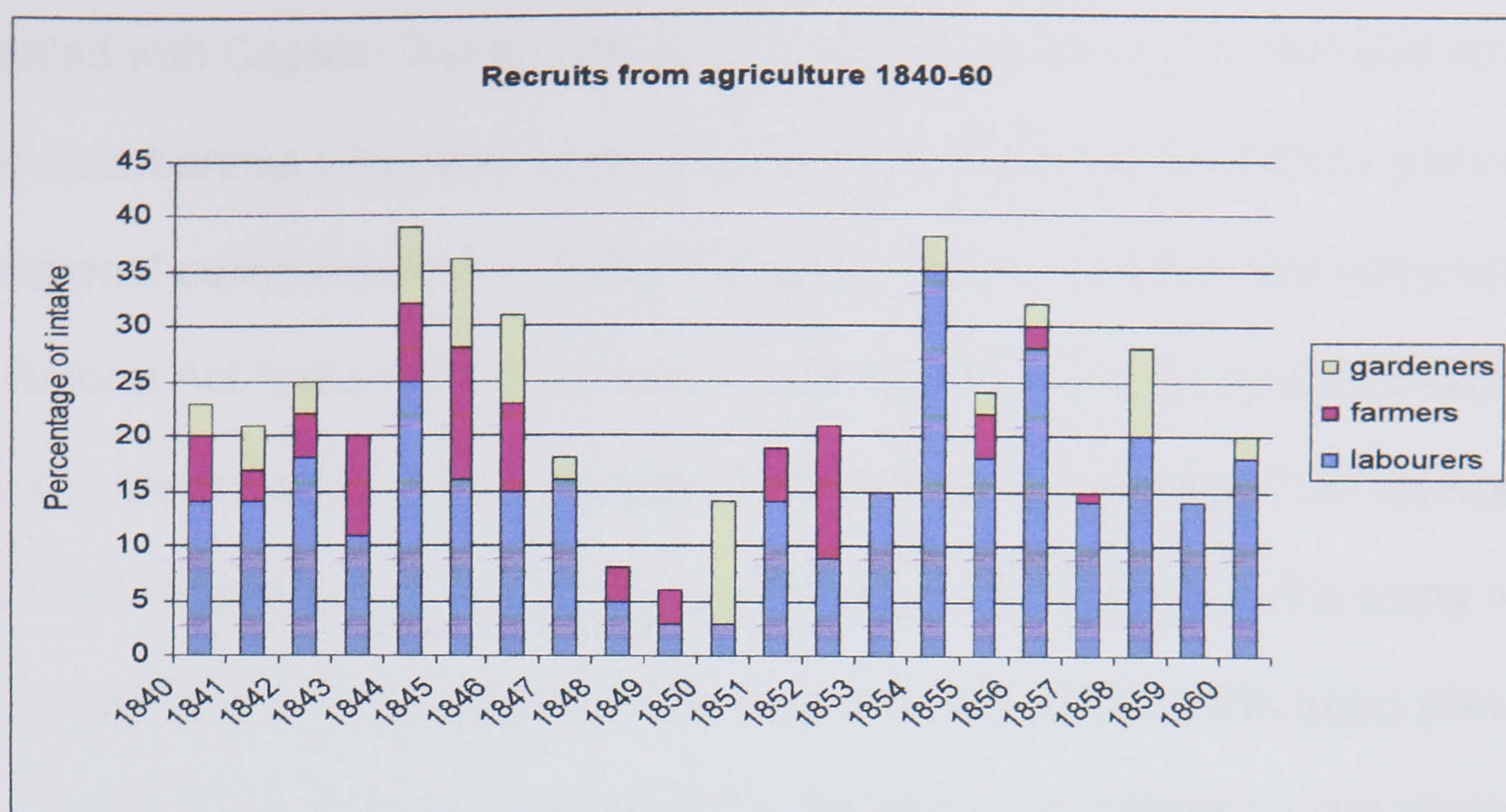
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<sup>82</sup> Ibid.

<sup>83</sup> They have been rounded up or down to the nearest whole percentage.



Figure 4.7 Agricultural Workers 1840-60



In the period 1840-60 the modal percentage of labourers recruited was 14 percent, but it showed considerable variation by dropping to 2.7 percent before rising to 35 percent in 1854. However, as John Archer has pointed out, 'labourer' was a term which covered a multiplicity of agrarian tasks which were differentiated in terms of wages and work experience.<sup>84</sup> As they are not to be regarded as one occupation, there is no clear answer to the questions raised by the different percentages in Figure 4.3. When agricultural workers as a whole are considered, it is clear that their percentage of the total intake varied dramatically from 40 percent to as little as 6 percent. Presumably McHardy made good use of surplus labour at times of agricultural depression.

One of the main themes of this chapter has been a discussion of the background to the establishment of county police forces, and the steps that led to such a force becoming a practical reality in Essex. The chapter began by considering

<sup>84</sup> John Archer, *By a Flash and a Scare*, (Oxford University Press, 1990), p 26.



the role of special constables in the 1830s, when the fires and disturbances associated with Captain Swing were causing many problems in Essex and elsewhere. Those disturbances may have been a factor in the Whig government's attempt to set up a national police scheme in 1832. However, loss of the Bill in the aftermath to the 1832 Reform Act had encouraged men like Chadwick to deride parish constables and attempt to steer public opinion towards a national police system. The troubles of the 1830s, and the realisation that there needed to be more control of the rising numbers of the 'lower orders' may also have been factors in the minds of the ruling elite.

The policing debates generated by Shropshire's petition to the Home Office had already 'tested the water' in Essex, where a small group of core justices were convinced that the county needed the sort of full-time police force the 1839 County Police Act allowed. However opposition was strong, and mainly based on cost, with libertarian objections of less concern, so the decision to establish the county force seems to have been genuinely based on the arguments presented in the various debates. Appointing an outstanding man like McHardy to be chief constable led quickly to the creation of a well-organised force which had good relations with the core magistrates. While the actual existence of the force was sometimes criticised by other individuals in the county, it is noticeable that McHardy himself was rarely criticised in public.

As chief constable, McHardy seems to have operated on pragmatic principles by picking the best men that were available, although he was often quoted as saying that the only way to test a man's ability was to see him in action.<sup>85</sup> This was achieved by having a system of probation for recruits - unusual in early county forces - based

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<sup>85</sup> *Essex Standard* 8 April 1842.



on McHardy's own management experiences in the Coast Guard.<sup>86</sup> There does not seem to have been any formal policy for deploying men to their home areas, or indeed, for not deploying them to their home areas. However it has been shown in this chapter that many recruits had places of birth outside Essex and had previously worked in a variety of different occupations. Moulding men of such diverse backgrounds into a cohesive force would have been a management challenge indeed, and the next chapter examines some of the ways in which the county force worked in operation.

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<sup>86</sup> For a study of influences on McHardy see Maureen Scollan, 'Under the Influence?', in *Essex Harvest: Essays in Memory of Arthur Brown*, (Essex Record Office, 2003), pp 33-45.



## CHAPTER 5

### CONSTABLES AND COUNTY GOVERNMENT

'It is difficult to reconcile an effective system of police with that perfect freedom of action and exemption from interference which are the great privileges and blessings of society in this country.'<sup>1</sup>

An unspoken assumption appears in much police history that, following the legislation of 1839 and 1840, counties opted for either continuing the old police or adopting the new. The evidence deployed in this chapter will demonstrate that in Essex at least the two systems functioned side by side for many years. While the Parish Constables Act of 1842 was designed to give new life to the old system of parish constables some counties - such as Kent - saw it as an alternative to the 1839 County Police Act. In practice the county of Essex used the 1842 legislation to appoint a 'different' kind of constable who would work more closely with the new police, and thus increase police coverage of the county. This sharply undermines the Whig interpretation which suggests that people denigrated the old system and therefore lauded the new. This chapter also nuances further the work of Philips and Storch, who discuss how provincial policing evolved from the best practices of various models.

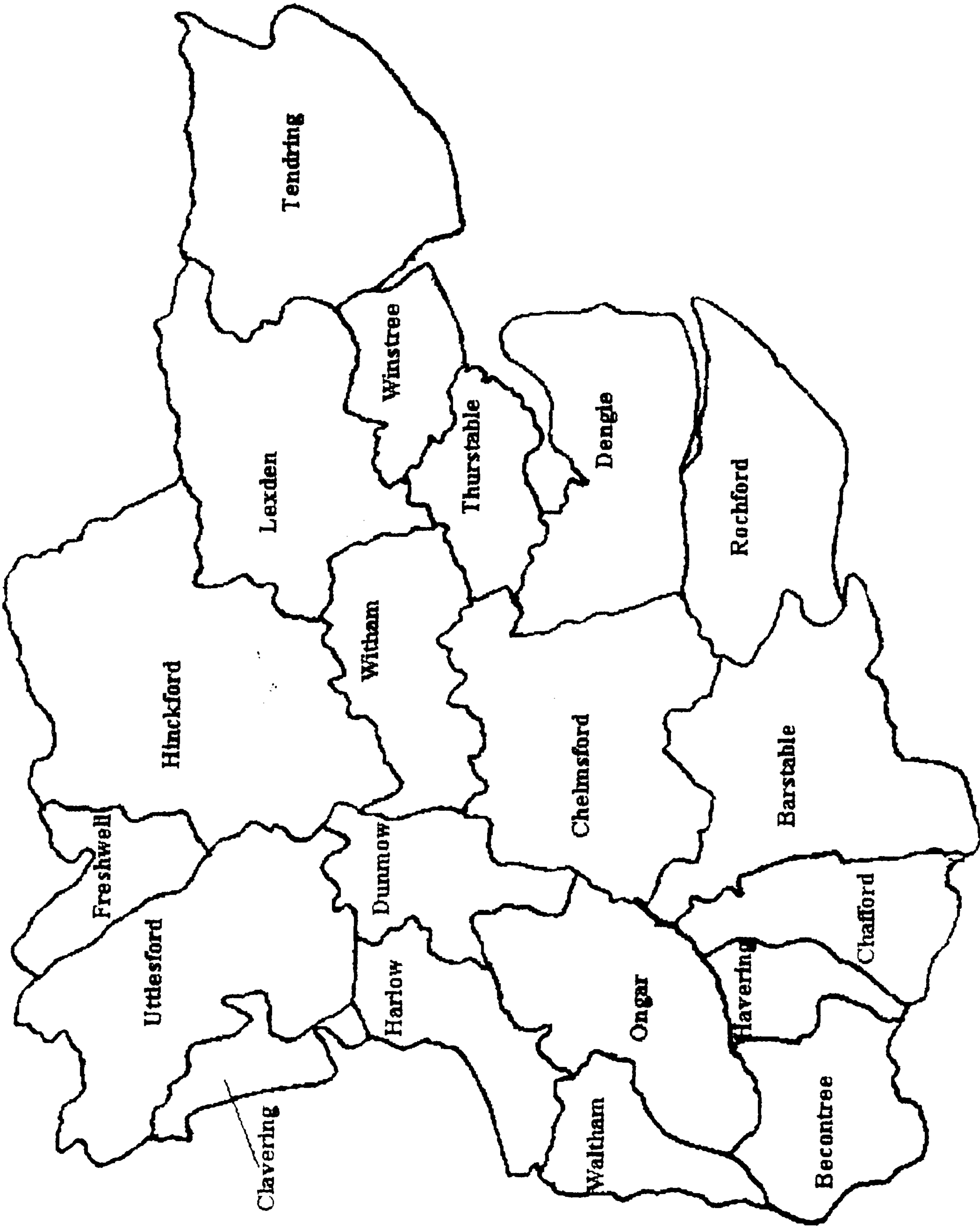
Chronologically the chapter follows the development of the force that was discussed in Chapter 4. It examines how McHardy's new police were distributed around the county and the sort of duties they were engaged upon. The chapter also discusses the 1842 campaign to abolish the county force, and the resulting quarter sessions debate. A case study examining how policing was carried out between 1840-43 in one division uses a series of original papers presented to the Tendring petty sessions. The papers help to identify some of the men who acted as parish

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<sup>1</sup> Robert Peel 1822. Quoted on p 206 of Anthony Sampson, *The Changing Anatomy of Britain*, (Hodder & Stoughton, 1982).



**Essex Police Divisions c1840**





constables in that area, and illustrate some of the ways in which they collaborated with the first contingent of county police in the division, and also with JPs. The conclusion also briefly examines the rating system to see whether protests about the expense of policing were justified.

### ***Organising the County Force***

The maximum manpower allowed by the 1839 County Police Act was one constable to every thousand inhabitants, but adoption of that formula would have made the force larger than was considered desirable for reasons of cost. Fifty constables were therefore allocated to each of the two parliamentary divisions. A committee of magistrates sometimes described as either 'the police committee' or the 'police liaison committee' worked with the chief constable from the day of his appointment. Initially it comprised those JPs who were already members of the accounts committee, plus any other volunteers.

The original brief for the police liaison committee was to confer with the chief constable on the best ways of implementing the 1839 Act and to define the duties of senior officers. One of the earliest meetings also discussed the most suitable places at which to base police officers, although the criteria were far from obvious.<sup>2</sup> Magistrates present at the first meeting of the police liaison committee included Lord Rayleigh, T W Bramston, the Reverends Cox, Holland, Schreiber, Brooksby and Messrs. Shaen, Haselfoot, Boggis, Pattisson and Luard. The names of those present at later meetings vary, which suggests that the supervisory role of the police committee was not confined to the leading magistrates.<sup>3</sup>

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<sup>2</sup> Although only a few of the early distribution returns have survived, it has been possible to work out where some of the first recruits were based, although they were moved around frequently.

<sup>3</sup> ERO Q/ACm 15.



After selecting his men, McHardy operated a fifty-six day probationary and training period while he assessed their capabilities. No uniform was issued until a man was considered acceptable, and each man who resigned after getting his uniform was charged five shillings to have it altered for the next recruit.<sup>4</sup> On 10 April 1840 the *Chelmsford Chronicle* reported that the first recruits were on duty in Chelmsford and were being trained by their superintendents, of whom there were then ten out of the proposed complement of fifteen.<sup>5</sup> On 8 May the *Chelmsford Chronicle* reported that the force was nearly complete; 99 out of the initial establishment of 100 constables had been attested. The concept of having a probationary period was considered unusual by the *Chelmsford Chronicle*, but it was copied from the Coast Guard in which McHardy had served.<sup>6</sup> After passing the probationary period, constables were ready to be deployed away from the county town.

To make the police acceptable to what Philips and Storch called the 'provincial ruling class',<sup>7</sup> the 1839 County Police Act allowed magistrates a certain amount of local control, although quarterly reports also had to be submitted to the Home Secretary by the county chief constable. Local sensitivities were soothed by the deployment of a police superintendent in every petty sessions district, and it was that officer's responsibility to make reports to the JPs in his area and to attend sittings of petty sessions. The responsibility was taken seriously. On 8 July 1840, for example,

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<sup>4</sup> JBB McHardy, *Orders and Instructions framed and issued for the Superintendents and Constables of the Essex Constabulary under the Act of 2 & 3 Vic.* (Chelmsford, 7 April 1840). Copy in the British Library. No copies have been found in Essex.

<sup>5</sup> Maureen Scollan, *Sworn to Serve: Police in Essex 1840-1990*, (Phillimore, 1993), p 8. [Hereafter Scollan].

<sup>6</sup> National Maritime Museum Library, 'General Orders issued for the Government of the Coastguard 1826-36', memo 35 dated 17 October 1833, p 90.

<sup>7</sup> David Philips & Robert Storch, *Policing Provincial England 1829-1856*, (Leicester University Press, 1999), p 6. [Hereafter P&S].



Superintendent Thomas Godwin claimed seven shillings for hiring a horse and cart to travel from Epping to court at Harlow.<sup>8</sup> When McHardy tried to disallow the claim the superintendent courageously penned the following response:

I ask no favour but the Chief Constable's instructions require the superintendents to attend petty sessions, and having no horse I engaged one to attend 15 miles, being no trifle to walk after coming off a night of fatiguing duty. It is true I had no business beyond that of attending to ascertain whether the magistrates may have had anything to say to me...

Superintendent Godwin’s claim was grudgingly allowed.<sup>9</sup>

Between April and June 1840 between two and four men were allocated to each of the following parishes, although their duties were not restricted to those areas:

*Table 5.1 Parishes receiving the first county police*

<i>April 1840</i>	<i>May 1840</i>	<i>June 1840</i>
Billericay	Blackmore	Bradwell
S Ockendon	Newport	Belchamp Walter
Chipping Ongar	Peldon	St Osyth
Horndon	Rayleigh	S Hedingham
Halstead	Rochford	Elmstead
Epping	Roydon	
Witham	Southminster	
	Stansted	
	Stanway	
	Takeley	
	Latchingdon	
	Harlow	

During the rest of 1840 police constables were posted for the first time to only ten more parishes, including Grays, Romford and Thorpe-le-Soken. However, there was a steady increase in coverage over the next two years. Hatfield Heath, Havering

<sup>8</sup> See Chapter 3 for details of the Walthamstow force in which Godwin originally served.

<sup>9</sup> ERO Q/FAb 7/2/1A.



and Purleigh, for example, received their first county police in February 1841, West Hanningfield in April 1841 and Toppesfield in July 1841.<sup>10</sup> At the time of McHardy's report to quarter sessions in April 1842 there were county constables in eighty-two parishes, although they were not necessarily the same parishes that had received the initial intakes.

Given that both magistrates and county rate-payers were keen to keep down the costs of policing it is not surprising that McHardy found it necessary to collect and carefully submit his men's claims for expenses to the quarter sessions. Such bills and vouchers provide an important insight into many of the activities of members of the new county force, and also of parish constables.

Each divisional superintendent was responsible for establishing his own police post and office.<sup>11</sup> Superintendent Davies<sup>12</sup> of Brentwood, for example, hired a room at the Chequers Inn between 10 April to 31 July 1840, and negotiated a rent of three shillings a week which he paid from his own pocket before submitting his claim to the chief constable. McHardy reduced the claim to two shillings a week (which became the norm), and wrote across Davies' form: 'I do not feel myself authorised to recommend your being allowed more than two shillings a week for an office, and I hope you will soon succeed in procuring a room out of a public house.'<sup>13</sup> Claims were also made for turnpike charges which were later cancelled when it was realised that

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<sup>10</sup> ERO Q/APr 1-12.

<sup>11</sup> McHardy was still commenting in 1842 about the difficulties of getting suitable men to act as constables and superintendents, because he needed to judge them while they were actually doing the job. Observing in a debate at quarter sessions why JPs might ask why he kept such inefficient superintendents, he answered his own rhetorical question by saying that it was because he could get no better. (*Chelmsford Chronicle* 5 April 1842).

<sup>12</sup> Davies was an unsuccessful candidate for the chief constable's post.

<sup>13</sup> ERO Q/FAb 7/2/1A.



police officers on duty were exempt from payment of those fees.<sup>14</sup> Superintendent Cooke of Witham claimed for two nights subsistence, and a room for Mary Barrell who had been committed for an undisclosed offence by a local JP named WH Pattisson. John Barrell (presumably her husband or son) spent the same two nights in the Witham cage. Similarly in January 1841 two shillings was claimed for lodgings at the Sun Inn Billericay for a prisoner arrested for fowl stealing and perjury.

McHardy was particularly caustic to Superintendent Hawkins of Dengie division who claimed £1 15s 5d in June 1840 for conveying prisoners and purchasing stationery. Because the claim form was not itemised McHardy returned it with the following note:

All the pieces of paper you have attached professing to be vouchers are without date, and so are all the items charged in your contingent account. You had better refer to the dictionary for the meaning of the word voucher. Explain with reference to the items marked, for whom, and by what authority they are charged.<sup>15</sup>

Initially officers and men moved frequently, which may have been one device for assessing their abilities. In June 1840, for example, Algernon Low was one of two superintendents in the Chelmsford division.<sup>16</sup> In August 1840 he was apparently sharing an office in Tendring division with Superintendent Martin Deacon, although Low submitted the claims.

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<sup>14</sup> Ibid.

<sup>15</sup> ERO Q/FAb 7/2/1C.

<sup>16</sup> ERO Q/FAb 7/2/1A. Algernon William Low is one of the few county police who can be identified as a former parish constable. He appears in the Rayleigh vestry minutes as a constable in 1839, and was nominated again on 26 March 1840 (ERO D/P 332/8/6). Two months later he joined the Essex Constabulary as a superintendent, and after being moved around became the Rayleigh superintendent in February 1842. In the Rayleigh vestry minutes for 1842 Low was present at a meeting where he was thanked for being an active superintendent. The force personnel register shows him to have been born at Great Burstead, and to have previously been a currier. In January 1849 Low was appointed as relieving officer for vagrants as part of his duties, but failed to search vagrants properly so many obtained workhouse orders when they had adequate funds. (ERO G/ROz 4.) In 1850 Low transferred to Cambridgeshire. (ERO J/P 2/1).



Promises of a county horse and cart for each division took some time to fulfil. Four horses were bought between 11 February and 5 March 1840 at a total cost of £100, and several more were bought later at £23 each. However, the number of hiring claims in 1840 suggests that either there were not enough horses, or else that the work was too hard for them. On 1 July 1840, for example, Superintendent Cooke of Witham paid £1 2s 6d to hire a horse and cart for taking three prisoners from Coggeshall to Chelmsford. In explaining the costs to McHardy, Cooke noted that although the rate he claimed had been agreed for parish constables, the hirer would not give the county force a cheaper rate. When Cooke hired another horse the following month, he endorsed his claim form that, 'the horse furnished by the county is unequal to the work of conveying prisoners... [and] other duties of the division'. Although the police in Tendring division sometimes used horses, many of them regularly claimed expenses for using the ferry between Brightlingsea and St Osyth as part of their patrols.<sup>17</sup>

It is clear from the expense claims that early county constables had to travel round the county to carry out various duties involving fairs, disturbances (sometimes synonymous with the fairs), and investigating licensed premises. In June 1840, for example, Superintendent John Clarke of Walden division claimed three shillings for Pc 46 who had been a witness at Dunmow petty sessions in a case against a beer house keeper. In the same month Clarke and four constables dealt with a riot at Thaxted, and they were called there again on 21 June for a similar reason. In July 1840 Superintendent Cooke claimed seven shillings for the hire of a horse and cart to convey the two constables based at Coggeshall to Felix Hall at Kelvedon, home of

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<sup>17</sup> ERO Q/FAb 7/2/1B.



Lord Western, the local MP. It is interesting to speculate whether Western had a particular problem, or merely wished to see for himself the new police, as there is no evidence that he was involved in debates about the creation of the force. In July and August 1840 there were two claims for expenses incurred in a search for 'George Albin alias Chummy the Sweep' suspected of a burglary at Great Parndon. A claim was also submitted by Superintendent Redin of North Hinckford division for going to Chelmsford gaol to 'visit Portsmouth Harry and obtain an accurate description of his accomplice involved in a burglary.'<sup>18</sup>

The claim forms also show how some magistrates exerted direct influence over the activities of the early county policemen. On 22 April 1840 Superintendent Davies travelled by coach to make enquiries ordered by JPs into the case of a man charged on suspicion of having obtained a horse, cart and quantity of sacks. In the same month Superintendent Cooke claimed £2 13s 6d for hiring a coach and horse to visit the parishes which were to form the guards (beats) of the Witham division.<sup>19</sup> While on 16 May 1840 Superintendent Redin claimed ten shillings for responding to the orders of two JPs who had told him to regulate the hours of public houses and beer shops during a fair.<sup>20</sup>

The magistrates imposed a more complicated and expensive problem on Inspector John Haydon of Brentwood in January 1841 when he was instructed to prepare a case of bigamy.<sup>21</sup> This involved getting a marriage certificate from Writtle

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<sup>18</sup> Ibid.

<sup>19</sup> ERO Q/FAb 7/2/1A.

<sup>20</sup> Ibid.

<sup>21</sup> John Haydon and John May both joined as constables in April 1840 and were promoted to inspector in November 1840. (ERO J/P 2/1). Once the rank structures were firmly established after 1856, no man joined at a higher level than third class constable. (Caroline Steedman, *Policing the Victorian Community*, (Routledge & Kegan Paul, 1984), p 40.



church before travelling to High Ongar and Romford to find witnesses; the journey was a total of 53 miles plus 3s 6d for the certificate. On the following day Haydon travelled an additional 30 miles to Gravesend where he was charged 5s 6d for a certificate of the prisoner's other marriage. Haydon then travelled a further 36 miles to Stratford to interview witnesses to the second ceremony. The final outcome of this expensive case is not known.<sup>22</sup>

Robert Storch has noted that when the county police force was first introduced into the West Riding in 1857 its members instantly made themselves obnoxious - in their 'domestic missionary' role - by imposing a more efficient supervision of pubs and beerhouses and insisting they closed at times when church services were taking place.<sup>23</sup> While there *were* investigations into the hours of Essex pubs and alehouses in the first year of the Essex force, not all complaints about 'sabbath desecration' were automatically taken up. This suggests that such responses varied with the moral climate of the times.

Within the first year of the county force JPs had to deal with a series of complaints about 'sabbath desecration' from clergymen in the six central Essex parishes known collectively as either the Rodings or the Roothings.<sup>24</sup> The clergymen had initially approached McHardy with complaints about carriers who worked on Sundays, asking him to provide a police constable to witness the offences and prosecute those responsible. McHardy made 'an official and decided refusal', although it was not clear whether he was against the matter being investigated or merely felt it was too petty for his new force. Nevertheless he suggested that the

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<sup>22</sup> ERO Q/FAb 7/2/1C.

<sup>23</sup> Robert Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880,' in *Journal of Social History*, Volume IX, (1976), pp 481-509.

<sup>24</sup> The parishes concerned were White, Abbess, Leaden, Beauchamp, High and Margaret Roding.



clergymen used local constables instead. Not being satisfied with the chief constable's response, the clergymen complained to local magistrates that 'inefficiency of the local constables was adduced as the grand and convincing argument for the introduction of the new constabulary' and that they 'had to pay heavily for the benefit of the new police'. Their cynical punch line asked the JPs whether local constables had become more efficient since that time or were now more active.<sup>25</sup> However, magistrates supported McHardy's decision not to use the police, and eventually it was parish constables who provided evidence for a prosecution.<sup>26</sup>

The letters pages of county newspapers are suggestive of how some people regarded the new police. One correspondent from the Brentwood area used the pen name 'A lover of justice' in his complaint about the force. He argued that the establishment of the county force in his district (which stretched from the outskirts of Chelmsford to Romford), had not reduced offences of robbery or handling stolen goods. Brentwood was then the largest division, having an establishment of one superintendent and sixteen constables. However the writer sarcastically alleged that they 'remained in happy ignorance of anything of that sort having gone on until everybody is talking about it', and also complained about failures in court proceedings on 'some technical absurdity or other.' Unfortunately no evidence was provided as to the truth of such allegations. Perhaps the letter writer had a vested interest, as he then referred to police inefficiency, 'ridiculous quibbles and short-sighted parsimony for the lack of efficient prosecuting counsel.'<sup>27</sup>

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<sup>25</sup> *Essex Standard* 14 May 1841.

<sup>26</sup> See later in this chapter for examples of relations between old police and new.

<sup>27</sup> *Essex Standard* 26 February 1841.



In November 1841 a public meeting was held in Chelmsford by farmers in the area who were concerned about thefts of sheep and poultry. Although the chairman, a Writtle farmer named Robert Baker, had no objections to Captain McHardy, whom he described as a most efficient officer, Baker considered that the police were not fulfilling their obligations to protect property, and proposed that farmers form their own patrols. While subscriptions were paid to Baker's patrol society, and an organising committee was formed, nothing else is known about its operation.<sup>28</sup> The support for Baker may have been generated by a dislike of the new institution, but it also demonstrates the practical problems of starting a force from scratch with only a few professional officers.

Despite McHardy's best efforts at training, the Brentwood division was not alone in losing cases as a result of apparent inefficiency and lack of knowledge; cases were also lost at Halstead and Tendring. On 5 June 1840, for example, Superintendent Riom at Halstead dealt with the theft of some silver spoons, but because he acted on hearsay evidence and failed to identify the property the case was lost.<sup>29</sup> A case of theft from the Tendring division was withdrawn at quarter sessions after Pc 12 Thomas Luckin admitted to receiving the suspect from a local farmer, but confessed that he had not told the prisoner he did not have to say anything as it might be used against him. This suggests that a 'formal caution' may have been in use long before it was laid down as a procedural requirement.<sup>30</sup>

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<sup>28</sup> Ibid. 12 November 1841.

<sup>29</sup> *Chelmsford Chronicle* 12 June 1840.

<sup>30</sup> The Judges' Rules were a set of non-statutory administrative directions introduced in 1912, which laid down procedures for questioning and taking statements. They included a form of language to be used for a 'formal caution' warning a suspect of his rights to remain silent. (Robert Reiner, 'Policing and the Police,' in *The Oxford Handbook of Criminology*, (2nd ed. ,1997), p 1025.



### ***County Constables versus Parish Constables***

Evidence given to the 1853 Select Committee on Policing by McHardy and Nathaniel Barnardiston (then chairman of quarter sessions), makes it clear that from the beginning of the county force both the magistrates and McHardy had intended that parish constables would work alongside the new police. Section 16 of the County Police Act of 1840 allowed local constables to work with the new police, and in a memo dated 24 October 1840 the chief constable told his men that he had to submit to every petty sessions bench a list of persons 'qualified and willing to serve as local constables'. The lists were based on details of men with 'the necessary qualifications' (unspecified) provided by divisional superintendents. The object of Section 16 was 'to provide at least one efficient peace officer in each village or hamlet ... who by a cordial co-operation with the county police' could make the force efficient within its present numbers.<sup>31</sup>

There is some evidence that such parish constables did get involved in various duties, although their actual status seems to have been in doubt on occasions. In January 1841, for example, there was a lengthy debate at quarter sessions as to who should pay their swearing-in fee if the men refused to pay for themselves. One of the magistrates, the Rev. J Cox, asserted that the men themselves were servants of the county rather than parochial constables, but this was disputed by McHardy who pointed out that he controlled them only while they were in their respective parishes.

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<sup>31</sup> ERO D/Z 129, memo 36, dated 24 October 1840. On 10 January 1841 Inspector Bailey in Dunmow claimed for journeys made from Takeley to Broxton & Great & Little Canfield 'to warn those local constables whom he had previously waited on 2 or 3 times without finding them at home, to attend next day at Dunmow to be sworn.' (ERO Q/FAb 7/2/1D).



Such men could not be used anywhere else without their consent, and were therefore of limited value.<sup>32</sup>

While the two systems operated in parallel, there were sometimes disputes over powers and responsibilities. Police rights of entry were disputed in cases at Dunmow in June 1840, and as McHardy was present in the court he was able to tell Dunmow JPs that their colleagues in Epping had similar queries and had sought advice from the Excise Commissioners. A general right of entry to licensed premises for police officers was later confirmed. However the Dunmow licensees' solicitor still insisted that policemen had exceeded their authority on that particular occasion. While the magistrates disagreed, they dismissed the case because the police had provided insufficient evidence of alcohol being sold.<sup>33</sup>

Despite a general right for police officers to enter licensed premises while on duty, a dispute in September 1842 between a Wivenhoe parish constable and a county police inspector developed into a general attack on the honesty of the police. Inspector Stephen English had tried to gain access to the upper room of a Wivenhoe inn where a party was in progress. The parish constable was already in the building, but he refused to let the inspector enter on the grounds that he felt capable of dealing with any problems himself. A heated dispute followed, during which allegations of theft were made against the police, so a local solicitor was employed to act on their behalf. Twenty-one of the principal inhabitants presented a testimonial to the magistrates expressing their satisfaction with the police, and of Inspector English in particular. At the conclusion of the case McHardy took the opportunity to inform local people and newspaper reporters about his men's powers in relation to licensing,

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<sup>32</sup> *Essex Standard* 8 January 1841.

<sup>33</sup> Scollan p 15.



including the fact that police officers would not arrest anyone for disorderly behaviour or assault unless they had witnessed the offence.<sup>34</sup>

By the beginning of 1842 about 24 counties had adopted the County Police Acts of 1839-40.<sup>35</sup> The 1841 election ousted the Whigs and returned Robert Peel as prime minister of a government which was in the process of realigning policies in such a way that its very name of 'Tory' would change. While Peel and Sir James Graham, his Home Secretary, were generally in favour of the county police their views were in a minority. An Act of Parliament introduced in September 1842 attempted to reform what the *Chelmsford Chronicle* described as 'the present defective system.'<sup>36</sup> Two of the main objectives of the 1842 Act were to allow parish constables to be paid a reasonable wage, and to provide proper places of confinement for offenders before trial. Courts leet also lost their powers to appoint petty constables.

Under the 1842 Parish Constables Act magistrates appointed the 'new look' local constables from lists of nominees submitted by overseers. Potential constables were to be local residents aged between 25 and 55, with property rated at £4 or more a year. Their names were displayed on the church door before being submitted first to the annual vestry meeting and then, once approved, to JPs who made their formal selection.<sup>37</sup> As the total number of constables in each parish depended on its population, magistrates were allowed to unite tiny parishes and appoint one constable for a group of parishes.<sup>38</sup> Expenses could be claimed from the poor rates and vestries were also allowed to appoint salaried constables, with, or in addition to petty

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<sup>34</sup> *Essex Standard* 30 September 1842.

<sup>35</sup> Emsley, *English Police*, p 42.

<sup>36</sup> *Chelmsford Chronicle* 16 September 1842.

<sup>37</sup> *Ibid.* 11 November 1842.

<sup>38</sup> Frinton, for example, had only 44 residents and was united with Clacton. See Appendix 2 for parishes in Tendring division with their individual population.



constables. Philips and Storch regarded that provision as the main use of the 1842 Act.<sup>39</sup>

Some overseers do not seem to have made intelligent nominations. In October 1842, for example, Dr Cornelius Butler of Brentwood provided an exemption letter for an unnamed man who had been nominated 'as one of the new projected parish police'. Nothing is known about him, although the context suggests he was elderly. The physician tactfully refers to the man's 'long established habits of life' which would have rendered him 'totally unfit for such an occupation - an occupation requiring much animal strength' as well as exposure to all kinds of weather and conditions. Dr Butler ended the letter by offering to make a formal approach to the authorities if his appeal did not have the desired effect. Unfortunately the end of the story is not known.<sup>40</sup>

As well as parish constables and county constables working alongside each other, there were occasions when a good deal of liaison existed between the 'old police', the 'new police' and constables appointed by the railway companies. The Eastern Counties Railway Act was passed in 1836 to build a line from London through the centre of Essex to Colchester and thence to Norwich. By 1 July 1840 the line had reached Brentwood, but the next stage to Chelmsford caused objections from landowners. The cost of the ensuing appeals and the compensation payments meant that each mile of track cost about £57, 000 to build.<sup>41</sup> Work progressed, in spite of such obstacles. Publicity in newspapers about problems with navvies in other parts of the country led parishes in central Essex to anticipate trouble, and their anxieties

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<sup>39</sup> P & S p 214.

<sup>40</sup> ERO P/CP 62 .

<sup>41</sup> A C Edwards, *History of Essex*, (Phillimore, 1994, 5th ed.), p 99.



were not misplaced. In April 1839 Chelmsford petty sessions asked the Eastern Counties railway company to provide six constables to work in the parishes of Margaretting, Widford, Writtle, Chelmsford and Springfield. Other parishes were asked to nominate ten special constables for use if necessary, and although the railway company sent two of its own constables they agreed to appoint more if required.<sup>42</sup>

Navvies were causing problems at the time the county force was being established, and some of the incidents give an insight into co-operation between the various policing bodies. In July 1841, for example, inhabitants of Margaretting complained about the 'outrageous behaviour' of navvies in the adjacent village of Ingatestone. Two railway police inspectors sent to investigate reported that most problems were resolved by joint patrols between two county policemen and a railway constable, and by special attention to particular public houses. Problems were eased further when the contractor sacked some of the worst offenders, including men from Yorkshire, Lincolnshire and Sussex who 'when they got a little drunk fell out more about their county than anything else.'<sup>43</sup> It was agreed that one extra railway constable, if he was 'a steady active man of good temper,' together with continued co-operation with the county police would resolve any future difficulties. One of the railway inspectors also proposed that the occasional appearance of a police inspector at Ingatestone on a Saturday night would also reassure the residents.<sup>44</sup> Significantly, one of those residents was John Disney, then chairman of quarter sessions.

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<sup>42</sup> ERO P/CM 18 & P/CP 53 dated 26 April 1839.

<sup>43</sup> ERO P/CP 53.

<sup>44</sup> Ibid.



McHardy was concerned that the railways would facilitate crime as well as public order problems, because 'London thieves who are operated on by the Metropolitan Police' would find it easier to travel into Essex.<sup>45</sup> His annual report for 1842 includes references to navvies, together with his lack of confidence in the support to be obtained from parish and special constables. The fears were, perhaps, hardly surprising in view of McHardy's desire to make the force totally professional.

As the railway line neared Chelmsford in 1842 Henry Guy, high constable and a Chelmsford bookseller, appealed to JPs for more special constables to help prevent what he feared would be disorder and felonies. Superintendent West from the railway police was sent to assess potential problems for the next stage of the line, and travelled along the proposed route between Chelmsford and Colchester. West also had meetings with McHardy, although it seems the chief constable would have preferred any extra men to be based in Chelmsford where his own constables had problems in controlling drunken navvies thrown out of pubs in the town.<sup>46</sup> West, however, told his manager on 17 August 1841 about 'the valuable co-operation of the county constabulary, whose services have always been freely given and are promised to be continued.'<sup>47</sup>

### ***Focus on Tending***

While newspapers often reported cases heard at petty sessions or quarter sessions, it is usually difficult to identify those involving both police and parish constables since

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<sup>45</sup> *Essex Standard* 8 April 1842.

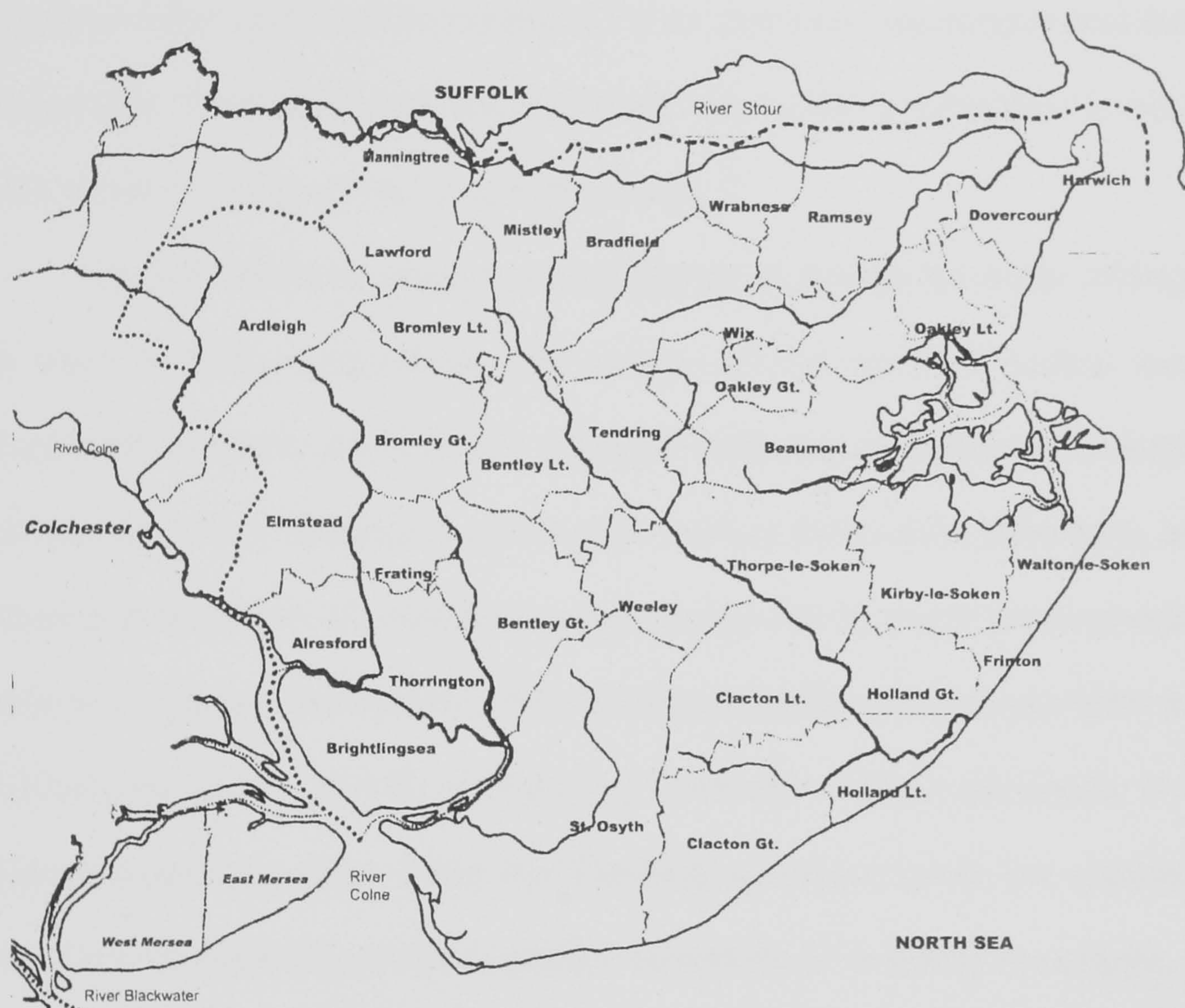
<sup>46</sup> ERO P/CP 56.

<sup>47</sup> Under Section 19 of the 1840 Act, with the chief constable's approval, additional constables could be provided by organisations for specific purposes, although such men were controlled by the chief constable. When the London to Cambridge railway was being built in west Essex the company paid for 13 extra constables. Burnham Oyster Company also financed an inspector and several constables for much of the nineteenth century. Inspector Andrew Rome served from 1840-1897 in that role, and was seventy-nine when he retired. (ERO J/P 2/1)



## The Parishes of the Tendring Hundred

(For a full list of names and population see Appendix 2)





the latter, who were mostly present as witnesses, are often described by their everyday occupations. However, an archive of miscellaneous papers presented between 1837 and 1843 to Tendring petty sessions in north east Essex provides some additional insights. In his consideration of pre-trial processes for property offences in the late eighteenth and early nineteenth centuries, Peter King has pointed out that magistrates in petty sessions dealt with a vast range of civil and administrative matters. They also heard disputes about assaults, non-payment of wages or relief, and diverse matters such as alehouse regulations and friendly society procedures. King also observes that many came with a complaint or accusation that had not yet crystallised into a specific charge.<sup>48</sup>

Chris A. Williams asserts that statistics of arrests for minor infringements can be used to follow accurately the activity of the criminal justice system in the nineteenth century, as they are a better indicator of police intervention with the community.<sup>49</sup> The Tendring records add another dimension, therefore, as few of the cases mentioned in the archive subsequently led to court proceedings. However, there are original statements, informations and bills which throw light on the sort of problems put before JPs for arbitration or resolution. These are similar to some of the examples given by King. Often the Tendring bundles include the original manuscript informations sworn by either a parish constable or a police constable, an ordinary citizen making a complaint, or overseers informing against individuals who had failed to make maintenance payments. Two sample years have been selected for closer examination, namely 1840 and 1843.

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<sup>48</sup> Peter King, *Crime, Justice and Discretion in England 1740-1820*, (Oxford, 2000), pp 83-86.

<sup>49</sup> Chris A. Williams, 'Counting crimes or counting people: some implications of mid-nineteenth century British police returns,' in *Crime, History & Societies*, Vol. 4, no. 2, pp 77-93.



The Tendring Hundred and police division lies in a peninsula about thirteen miles long, bounded on its three sides by the River Stour, the North Sea and the River Colne. In 1848 the Hundred was described as 'well drained and highly cultivated.'<sup>50</sup> The main towns include the borough of Harwich, the 'elegant bathing place' of Walton-on-Naze, and the small ports of Manningtree and Brightlingsea.<sup>51</sup> Excluding the borough of Harwich and Dovercourt, Tendring had 31 parishes and 24,479 residents in 1841. The largest centres of population were Brightlingsea (2055), Thorpe-le-Soken (1355), Great Clacton (1296) and Manningtree (1255). The two smallest parishes were Frinton and Little Holland with respectively 44 and 75 residents.<sup>52</sup>

The case study of Tendring begins with the men nominated to serve under the Parish Constables' Act of 1842. Many of the nominees were agricultural workers of one sort or another, as might be expected in such a rural area. They included labourers, farmers, drill men, gardeners, nurserymen and yeomen. Tradesmen were also well represented with boot makers, builders, butchers, carpenters, a cooper, an ironmonger and a plumber, as well as a shoemaker and shopkeeper. The trades of men most commonly nominated as constables in Tendring division were farmer (45), blacksmith (14), labourer (11), carpenter (12), shoemaker (7), butcher (5), brick maker (5).

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<sup>50</sup> White, *Directory of Essex, 1848*, pp 442-3 . [Hereafter White 1848].

<sup>51</sup> See Chapter 6 for a discussion on policing in Harwich and the other ancient boroughs.

<sup>52</sup> For a list of all parishes in Tendring Hundred and their populations in 1841, see Appendix 2.



The list of nominees also included one agricultural labourer, one clerk, one pensioner, and a significant number of men whose occupation was not given.<sup>53</sup> Many of the nominees were of a higher social class than has sometimes been associated with men who become constables. This supports McHardy's claim that a number of yeomen had consented to be parish constables under the 1842 Act, and that he wanted to encourage 'respectable and efficient persons to follow their example.'<sup>54</sup> It also supports the evidence given by Nathaniel Barnardiston to the Select Committee in 1853, where he described some local constables as 'men of credit and farmers.'<sup>55</sup> Although some of the Tendring farmers were tenants, at least one owned his own farm in 1848 according to White's *Directory* of that year. However, most of the men actually **selected** as constables were members of the labouring classes and tradesmen as will be seen from Table 5.2 below:

**Table 5.2 Occupations of Men selected as Constables, Tendring Division 1840**

baker	4	labourer	2
blacksmith	6	maltster	1
bookmaker	1	not given	6
brick maker	1	rat catcher	1
builder	1	saddler	2
butcher	2	seeds man	1
carpenter	2	shoemaker	2
drill man	1	smith	2
farmer	6	thatcher	1
gardener	2	vet-surgeon	1
grocer	1	wheelwright	3

<sup>53</sup> The data in this and following tables have been left as discrete numbers because the incomplete nature of the records makes it virtually impossible to estimate a meaningful total for calculating a percentage.

<sup>54</sup> *Essex Standard* 8 April 1842.

<sup>55</sup> Select Committee report, para. 3588.



The first one hundred county constables were recruited between March and May 1840. After receiving initial training at Chelmsford members of the new force were moved out to divisions where they had to find their own living accommodation.<sup>56</sup> Tendring division received its first contingent in July 1840, although the parish of Elmstead seems to have had a county constable one month earlier.<sup>57</sup> It has been shown elsewhere that a large proportion of the recruits had birthplaces in Essex so, inevitably, some found themselves working near home.<sup>58</sup>

Table 5.3 below shows that half of the ten men initially posted to the Tendring division were born in Essex, one of them at Thorpe-le-Soken in that division.

**Table 5.3 The first county police in Tendring**

<b>Surname</b>	<b>First name</b>	<b>Rank</b>	<b>County</b>	<b>Birthplace</b>	<b>Left</b>
Lowe	Algernon	Supt.	Essex	Gt Burstead	1850
Rose	James	Pc 12	nk	nk	1841
Ditchfield	Joseph	Pc 37	nk	nk	1844
Allen	Joseph	Pc 90	Essex	Newport	1841
Deacon	Martin	Supt.	Hampshire	nk	1842
Adams	Robert	Pc 21	Suffolk	nk	1841
Holby	James	Pc 35	Essex	Thorpe	1841
Abrey	William	Pc 52	Essex	Stow Maries	1841
Bragg	Samuel	Pc 82	Essex	Bocking	1844
Dow	Robert	Pc 50	Scotland	Aberdeen	1840

The force personnel register shows that none of those officers mentioned above stayed in the force for more than four years: most for considerably less. All of them were either dismissed or resigned, although it is known that Superintendents Low and Deacon transferred to Cambridgeshire and Wiltshire respectively.<sup>59</sup>

<sup>56</sup> ERO D/Z 129 Order 79.

<sup>57</sup> ERO Q/APr 1-12.

<sup>58</sup> See Chapter 4.

<sup>59</sup> ERO J/P 2/1.



**Table 5.4 Status of Those Laying Informations 1840**

police superintendent	2
police inspector	5
police constable	7
parish constable	9
workhouse master or guardians	25
high constable or parish officials	35
licensee of public house	2
unspecified	23

The court bundles show that receiving complaints about crime was a comparatively small part of the work of Tending magistrates. Not surprisingly Table 5.4 shows that in 1840 the greatest numbers of informations were laid by workhouse officials and high constables, because the county force had only existed for a few months. The evidence supports King's observation about the broad range of complaints heard at petty sessions. 'Workhouse offences' such as damaging clothing were quite common, as were disputes between masters and servants, usually involving labourers who had absconded.

It will be seen from Table 5.5 that many of the complainants in 1840 were made by women alleging assault, mainly by husbands or neighbours, on themselves or their children. It can also be seen that professional men were almost as likely as tradesmen to seek help from petty sessions.

**Table 5.5 Gender and Class of Those laying Informations in 1840**

female	25
male (solicitor, gent, farmer, riding officer)	29
male (tradesman, servant, labourer)	31
male (cleric)	5
<b>Total</b>	<b>90</b>



**Table 5.6 Reasons for Informations being laid in 1840**

animals (theft of, hurt, straying)	8
assaults/rape/threats	40
assault on constable	2
assaults on police	2
appeals/refusals against rates	57
bastardy	1
ditches (failing to maintain)	1
drunk	11
expelled from friendly society	3
maintaining families	14
licensing offences	7
master/labourer offences	10
non-payment of loans	5
riding on waggon without reins	2
thefts/damage	23
trespass re game/poaching	20
vagrancy & begging	6
workhouse offences	16
<b>Total</b>	<b>238</b>

Because the data above comes from petty sessions working papers a final result is not always available. Of those case papers which did show a result, five were either dismissed or are marked 'no action', three were dealt with by another court, eleven defendants were given hard labour, thirty-six were fined, four were bound over to keep the peace, and one was committed for trial. Because King's work is mostly based on prosecutions for property offences it proved inappropriate to make any direct comparisons. The problem was compounded by the sporadic nature of the Tending source, and the impossibility of calculating percentages when precise totals could not be determined.



One of the informations provides, incidentally, a glimpse into Superintendent Deacon's living arrangements. In September 1840 a domestic servant employed by a watchmaker in Thorpe-le-Soken alleged that her employer had sexually assaulted her. In the course of her statement which was written down on her behalf by a JP, the girl mentioned that Superintendent Deacon rented two rooms in her master's house, but would not have heard her cries for help as he slept in the front bedroom. The watchmaker was found guilty and fined £1 2s plus £2 expenses.<sup>60</sup>

The second group of Tending records to be analysed covers 1843. Once again, final results are not always included in the court papers, but those which have their information show three individuals being bound over, and six cases which were dismissed or settled out of court. Parish constables were still laying their own informations, but significantly more were being sworn by senior police officers even though the force was still only three years old.

**Table 5. 7 Status of those laying Informations in 1843**<sup>61</sup>

police superintendent	26
police inspector	16
police constable	12
parish constable	16
unspecified	1
workhouse master or guardians	7
high constable or parish official	7
licensee of pub	5
weights and measures inspector	2
<b>Total</b>	<b>92</b>

<sup>60</sup> ERO P/TP 4.

<sup>61</sup> All the tables use discrete numbers. Threats or attempts are classified as the full offence.



**Table 5.8 Gender and class of non police laying Informations in 1843**

female	10
male professional (e.g. solicitor, riding officer, gent. etc. )	13
male tradesman (e.g. servant, labourer, tailor)	10
<b>Total</b>	<b>33</b>

**Table 5.9 Reasons for Informations being laid in 1843**<sup>62</sup>

animals (theft, hurt, straying)	3
assaults/rape	20
assault on constable	1
assault on police	2
attempt suicide	1
appeals/refusals against rates	2
breach of peace	5
drunk	33
failing to maintain family member	5
false weights	2
licensing offences	8
master/labourer offences	7
non payment of loans	1
obstruction	1
ride on waggon without reins	4
thefts/damage	11
poaching/trespass	4
vagrancy (begging etc.)	21
<b>Total</b>	<b>131</b>

McHardy was responsible for parish constables as well as county police under the Acts of 1840 and 1842. While some evidence exists that the two groups of constables worked together on occasions, it is difficult to get direct evidence of voluntary co-operation. Tending JPs issued actual instructions for such co-operation,

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<sup>62</sup> Ibid.



for example when William Rayner, parish constable of Great Oakley, was ordered by JPs to assist Pc Raisin at a house fire. In February 1843 Thomas Ablett, the Weeley constable, provided a statement of corroboration for a case of damage to a window. Ablett mentioned helping Superintendent Bradshaw to compare impressions of footprints found at the scene of the crime with those from the shoes of two suspects. It is not known whether the help was provided voluntarily. In the event the marks were inconclusive, and the papers are marked 'case dismissed'.

Later in 1843 the Mistley constable James Candler, a brick maker, was involved with a determined would-be suicide. The victim had thrown himself into the river and when rescued by a boat, repeatedly jumped back into the water. Parish constable Candler was obliged to detain the man and take him 'to my brother constables'. Candler's written statement hints at a positive relationship which might have existed between regular and parish constables in Tendring division, but his use of the plural is interesting. There was only one other parish constable at Mistley, but by 1843 a county police inspector and two constables were based at Manningtree which, although a separate parish, is contiguous with Mistley. 'My brother constables' may imply that the relationship between parish and county constables was a friendly one, on that occasion at least.

Not all the Tendring parish constables were proactive. Some submitted expense claims mainly incurred for taking various lists to petty sessions at Manningtree. Insights into these can be found in the letter of dissatisfaction from James Pyman, a baker who had been parish constable at Walton for four years. The letter is dated 22 April 1843, and was addressed to one of the high constables of the division:



Sir I herewith send you a note of the journeys and miles made for what purpose. Manningtree on 21 November to be sworn in office from Walton 15 miles. Second was to Mistley with list for assessors on 17 March and on 27 March with the list for overseers at Manningtree ... I have not stated the number of hours I must leave that to you. I think our parish is the furthest from Manningtree and mostly the last that is done at the meetings. I should think as the price per mile is so low they must think of paying for going back as well as there...<sup>63</sup>

High constables had been part of the county's administrative hierarchy since the late sixteenth century, having initially been officers of the Hundred where they were more actively involved in supervising petty constables than were magistrates. By the early nineteenth century the role had become largely administrative, and holders were appointed by quarter sessions from men of higher status such as magistrates' clerks, wealthier farmers and principal tradesmen.<sup>64</sup> Anyone appointed as an Essex high constable was expected to fulfil the role for life or until he moved out of the district, so long periods of service were common. Orbell Hustler, for example, was high constable for Halstead from 1827 until he died in 1856, and also acted as magistrates' clerk.<sup>65</sup> Benjamin Carrington, one of two high constables in the Tendring division, did not restrict himself to administrative duties, and there is evidence that he regularly involved himself in an everyday policing role. In 1843, for example, he swore several informations for self-generated arrests for vagrancy, obstruction and drunkenness.<sup>66</sup> In addition, one beggar was imprisoned for twenty-one days after he solicited alms from the high constable. That was not an uncommon situation, as on 28

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<sup>63</sup> ERO P/TP 5.

<sup>64</sup> F G Emmison, *Elizabethan Life: Home, Work and Land*, (Essex Record Office, 1991), pp 148-9.

<sup>65</sup> ERO Q/CP 11. Oxfordshire high constables served for only two or three years. The office was regarded as 'a source of little pleasure and much exasperation.' David Eastwood, *Governing Rural England*, (Oxford, 1994), p 88.

<sup>66</sup> Swearing an information involved taking the oath before a JP and giving enough details of the alleged offence to justify the instigation of proceedings by way of warrant or arrest.



August that year another man was charged and convicted of soliciting alms from James McQueen, parish constable of Manningtree.<sup>67</sup>

This brief insight into how Tendring Hundred was policed in the 1840s has shown some of the ways in which the new police and members of the old police worked, both separately and in alliance, although their joint efforts did not always run smoothly. The fact that there is also evidence of parish constables who seemingly confined themselves to administrative matters, supports the evidence that individuals and their own particular inclinations still played an important part in local policing. High constable Benjamin Carrington's desire to involve himself in ordinary patrol work fits into that same category. It is, of course, possible that the isolated location of the Tendring division encouraged a more positive inclination towards co-operation between parish and county constables.

Examples have been found in other parts of Essex where the two types of constable had little or no contact, perhaps through choice. In April 1848, for example, when the parish constable of White Colne (near Halstead) could not control four young men behaving in a disorderly manner in the parish church, it was to another parish constable he went for help rather than to the county constables stationed at nearby Colne Engaine and Earls Colne.<sup>68</sup> But there is also some evidence from areas apart from Tendring to suggest that some county policemen were reasonably happy to work with parish constables. Pc 59 Robert Kirk, for example, was investigating a theft of some clothing and claimed five shillings for reimbursing two parish constables at Stebbing who had helped him discover to whom the suspect had sold a pawn

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<sup>67</sup> ERO P/TP 5.

<sup>68</sup> *Essex Standard* 28 April 1848.



ticket. The information was described as 'indispensable' to securing the resulting conviction.<sup>69</sup>

A case from the Chelmsford division provides an example of where a parish constable and a county constable were both involved in enquiries into a rape allegation. On 2 September 1843 Mrs Sophia Claxon, a widow living with her son and daughter-in-law in Rettendon, made a complaint against William Summers, who had offered to carry her shopping and then suggested they went into a nearby field. The resulting scuffle and assault in which she was thrown down 'and pulled about', led to the suspect being covered in flour which he complained would betray him. Mrs Claxon later told her daughter-in-law what had happened, and asked her to 'run for Mr Brignal the constable'. Taking the parish constable to the scene, she pointed out where the suspect had gone but did not mention the intimate nature of the offence. An hour later Constable Brignal secured his prisoner and took him to Mrs Claxon for identification. In the meantime the constable obtained assistance from 'Mr Hart the county constable', although Hart's statement makes it clear that the parish constable had made the arrest before asking him to take charge. The prisoner was interviewed in the parish constable's house where he alleged that Mrs Claxon had invited his approaches, but also hinted that he would make financial recompense. Initially Mrs Claxon asked for £5 compensation, but her eventual acceptance of £2 was corroborated by the parish constable.

Despite money having changed hands the suspect seems to have been detained for two days to appear before petty sessions. However, at the hearing the local Rector gave evidence that he had received a letter from the suspect's wife

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<sup>69</sup> ERO Q/FAb 7/2/1C.



alleging that 'I believe Mrs Claxon to be a person of such character not to be believed on oath. I certainly have heard things revolting of the said Mrs Claxon but cannot substantiate them'. While that letter, combined with Mrs Claxon's acceptance of compensation, resulted in the case being discharged, it is an interesting insight into co-operation at local level.<sup>70</sup>

### ***The future of the county force***

Although examples have been given of parish constables and county police working together, both types of constable were still being criticised two years after the force was established. On 7 January 1842 the *Essex Standard* reported a discussion which had taken place at quarter sessions following the receipt of two petitions. The first - from Stapleford Tawney and Theydon Mount - accused the county force of costing too much and having insufficient men to prevent 'nocturnal depredations'. The perceived unfairness of the taxation system was also mentioned. The second petition was from Ardleigh, a parish which also wanted to set up its own paid police. Both petitions claimed that the bulk of force costs fell on ratepayers in agricultural areas, while towns and larger villages reaped the benefits. In acknowledging the two petitions, magistrates gave notice that they would hold a full debate to decide whether to abolish the force or increase its size.<sup>71</sup>

Essex was not unique in criticising the cost and inefficiency of its county police or having petitions to quarter sessions. In January 1842, for example, Durham quarter sessions received petitions to abolish the police from 172 out of its 240 townships,

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<sup>70</sup> ERO P/CP 64 bdl. 3 dated 2nd September 1843 and White 1848 p 34. Pc 149 Robert Hart's Essex police career was brief. Born in East Bergholt, Suffolk, he was married with two children and had been a currier before joining the force on 6 January 1843 when he was thirty years old. Hart was posted to East Hanningfield on 6 January 1843 and resigned on 4 August 1844. (ERO J/P 2/1).

<sup>71</sup> *Essex Standard* 7 January 1842.



while Nottinghamshire reduced the size of its force from 42 to 33 in January 1842.<sup>72</sup> The Essex petitions are unusual because of evidence which suggests that one man (J F Butler), might have orchestrated the campaign, although he purported to represent a committee. But Butler and his campaign are discussed later.

Advance notice of quarter sessions' proposed debate encouraged more petitions both for and against the county police. Letters were published in the local press, although only one correspondent consistently objected to the whole principle of a paid police force. The writer of the letter was Fysher Harrison of Copford who seems to have been a magistrate in November 1839.<sup>73</sup> Eighteenth-century Whig ideology highly esteemed the constitutional implications of the liberty of the land-owning individual. But by the 1830s and 1840s the state was being seen as the 'source' of rights, because it could claim that those rights were conditional upon the social order it had to protect. Such a premise seems to have been the basis of Harrison's criticisms of the county force.<sup>74</sup> In the *Chelmsford Chronicle* of 14 January 1842 he pointed out that while the county police had been introduced by a Whig administration, it had been supported by Peel and the Tory party.<sup>75</sup> By objecting to the police 'as an infringement of the subject', Harrison was protesting against the increasing power of the state, and reflecting his disquiet about the change of direction in the Whig party:

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<sup>72</sup> Emsley, *English Police*, p 43.

<sup>73</sup> ERO Q/SMg 38. Harrison is not shown as a JP in White 1848. He was a candidate for North Essex in the 1847 general election. (*The Times* 26 June 1847).

<sup>74</sup> V A C Gattrell, 'Crime, Authority and the Policeman State,' in *The Cambridge Social History of Britain 1750-1950*, Vol. 3, (Cambridge, 1993) , p 255.

<sup>75</sup> *Chelmsford Chronicle* 14 January 1842.



I exclusively rest my objection to the new rural police on the grounds that it is an infringement of the subject. I consider it to be an apology for a standing army, and indeed the act of parliament itself carries such a presumption. I object to the police force in question because it is worse than a standing army. In the event of any breach of the peace the army never acts without the consent of the civil power and under the command of responsible officers who are generally gentlemen by birth and education, but it is far different with the rural police as a single constable or two at most are frequently so circumstanced as to be obliged to act on their own judgment and discretion, a power which it is needless to observe may be, and no doubt, has been grossly abused ... Since Cromwell's day a new moral force has sprung up in the country which is daily increasing in strength, the force of opinion [...] I should be wanting to myself and the station I hold in society if I had not availed myself in your columns in protesting against the rural police, which however useful it may prove to be in the event of its continuing in force, is nevertheless a description of force which is unknown to the British constitution and which has no parallel in any other country in the civilised world.<sup>76</sup>

Newspaper accounts of the issues, and letters from individuals, illustrate some fundamental perceptions of class and civil liberties. The debates also help to focus on some aspects of the unpaid magistrates' fears of centralisation, and issues of civil liberties. Canewdon's JP, Lieutenant-Colonel Jeremiah Kerstemann, observed that many of his petitioners thought that quarter sessions was already in the hands of the government.<sup>77</sup>

Giving nearly three months' notice of the quarter sessions debate meant there was time for a momentum to develop about arguments to abolish the force. A concerted campaign began with a letter dated 30 January 1842 which was sent from Romford to every parish in the county, and signed by J F Butler, 'on behalf of the committee.' Accompanying the letter was a draft petition to abolish the force, which suggested ratepayers should urgently inform magistrates that the 'Essex

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<sup>76</sup> Ibid. Two years later Harrison's views had not softened. In a letter published in the *Essex Standard* on 5 January 1844 he complained of injustice that JPs should place police constables across the county when the right had been obtained by so slender a majority and nearly half their brother magistrates were against them.

<sup>77</sup> *Essex Standard* 8 April 1842.



Constabulary or Rural Police force entails a very alarming expense on those who contribute to it as ratepayers, doubling the County Rate.'<sup>78</sup>

A search of residents' names in parishes within a fifteen mile radius of Romford revealed only one man with the appropriate surname and initials.<sup>79</sup> John Field Butler was a nonconformist tenant farmer living at Childerditch Hall farm in the parish of Childerditch, where Lord Petre of Thorndon Hall (a Roman Catholic) owned 91 percent of the land. In 1839 J F Butler had registered a room at Childerditch Hall as a meeting house, and by 1851 he was a deacon and secretary of the Brentwood district of the Essex Congregational Union.<sup>80</sup> In September 1842 Butler was returned as a parish constable, and also became a Guardian. However, as a nonconformist ratepayer he had declined to take an active part in the local vestry meeting when churchwardens were being appointed.<sup>81</sup>

It has proved impossible to identify anyone else on the 'committee' that Butler purported to represent, so it is possible that he might have been running a one-man campaign concealed under a committee label. If indeed there was a committee, then the campaign may have intended to use the police as a way of drawing attention to inequalities in local taxation, as well as what was perceived as an inadequate police presence in rural parishes. Butler's comment that the police were 'tolerably effective'

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<sup>78</sup> ERO D/P 11/28/14.

<sup>79</sup> White 1848 p 192.

<sup>80</sup> W R Powell (ed), *Victoria County History of Essex*, Vol. 8, (Oxford, 1986) , pp 17-24.

<sup>81</sup> ERO D/P 230/8/1.



in urban areas seems to support this.<sup>82</sup>

Whatever the reasons behind Butler's campaign, it sought to give county ratepayers a voice by encouraging them to write to the local press, hold public meetings and prepare petitions. Many ratepayers responded to the invitation to protest about the force, often using the precise wording in Butler's draft petition:

The Humble Petition of the Undermentioned Rate-Payers sheweth that the establishment and maintenance of the Essex Constabulary or Rural Police force, entails a very alarming expense on those who contribute to it as ratepayers, doubling the County Rate. That however efficiently such a force may act in a closely populated district ... in this county where the population is so widely scattered, and the property to be protected so exposed to depredation, no Police force can be in any degree efficient in the rural districts, but such as one would involve an overwhelming expence ... your petitioners humbly pray that the Essex Constabulary or Rural Police may be forthwith abolished.<sup>83</sup>

While there were a number of letters in the local press complaining about the cost of the force and its inadequate manpower levels in rural areas, it is interesting to note that there was no criticism of McHardy himself, and his 'indefatigable exertions' were often referred to. Between 9 and 23 February 1842, for example, the *Essex Standard* published five letters about the rural constabulary from men who concealed their identities under pen names such as 'Occupier of 800 acres', 'An Essex Man', 'A Farmer', 'An Essex Magistrate' and 'One of the Old, ill remunerated constabulary.' Two of the five letters were in favour of the county police, and two strongly against. The fifth came from a parish constable near Witham who 'was favourable to the appearance and general conduct of the force' but was disappointed because there were not enough policemen to be really effective; he thought it would be better to

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<sup>82</sup> ERO D/P 11/28/4. There is nothing to suggest the involvement of Butler's Roman Catholic landlord, William, the 11th Baron Petre (d.1850) in the anti-police committee, but it is interesting to speculate, since his tenant is unlikely to have acted independently. Lord Petre was a stubborn negotiator with the Eastern Counties Railway as he feared the railway would divide his estates in the Brentwood area. He eventually received £100,000 compensation and £20,000 for the land: six times more than they had originally offered. Stuart Foster, *The Catholic Church in Ingatestone*, (Ingatestone, 1982), pp 63-4 and John Petre, *Ingatestone Hall*, (Leigh, 1999), p 10.

<sup>83</sup> ERO D/P 11/28/4, but there are copies of the same petition in many Essex parish archives.



concentrate them in more densely populated areas. 'Occupier of 800 acres' and 'A Farmer' supported the force, although both commented on the unfair way by which it was funded.

Because of the use of pen names, there is no possibility of identifying the writers of the published letters. However, at least one may have been written by a magistrate. A strongly worded letter from someone styling himself 'Essex Magistrate' considered the whole force to be a failure because it did not supervise 'low public houses and obscurely situated beer shops,' or prevent poaching and robbery. The writer felt that magistrates were mere tools with no power except over ratepayers, and that the solution was a return to 'the old law of constable ... when every resident who had property in a parish, and not a permanent body of strangers, was obliged to give his aid to defend and protect it'.<sup>84</sup>

It seems that ratepayers were seriously confused about the purpose of the proposed quarter sessions debate, many being under the impression that it was to discuss the disbanding of the county force. Even the *Chelmsford Chronicle's* editorial gave that impression although this was later denied. Initially Lord Rayleigh (a core JP)<sup>85</sup> tried to refuse all the petitions that he had received for abolishing the force on the grounds that they were based on an inaccurate premise. However, the Rev. Thomas Jee of Thaxted protested that 'it would be tantamount to a denial of justice', so JPs agreed to hear the 174 petitions requesting total abolition of the force.

Although J F Butler had advised that petitions to abolish the force should be presented to a sympathetic magistrate, a JP receiving a petition might not share the petitioners' views. Robert Schneider of Great Burstead, for example, pointed out that

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<sup>84</sup> *Essex Standard* 8 April 1842.

<sup>85</sup> P & S p 84.



while he had received eight petitions 'entrusted to me by mere chance ... I have always thought the system should have a fair trial'. Some petitions represented only a few ratepayers, for example that from Coggeshall which was 'signed by the clergyman and other occupiers' (unspecified). Eleven supportive petitions were also received, including one from Dedham asking for the force to be retained. Most of the other supportive petitions were from west Essex, where JP Charles Phelips of Briggins Park near Roydon was strongly in favour of the county police. He had presented petitions from parishes such as Roydon, Lambourne and Epping, '...with a prayer with which I most cordially agree, that the force be continued, for before every crime was committed and now we scarcely know what crime is.'<sup>86</sup>

By April 1842 the county force consisted of 100 constables, 20 inspectors and 15 superintendents based in 78 parishes, but covering other areas as circumstances demanded. About 26 of those communities had petitioned for abolition of the force, so one assumes they had some direct experience of the county police. However, most of the petitions were from parishes without their own policeman, so ratepayers appear to have objected to paying for a service they rarely received.

A large number of magistrates attended the six-hour debate on the future of the force which took place on 5 April 1842. While McHardy was in attendance, it was made clear that it was not he that was on trial but the system. Only about fifteen magistrates made reasoned contributions, most of which were broadly in favour of the police, with only two objecting to the whole principle. Cost was, as usual, the main issue, and Christopher Thomas Tower of Brentwood referred to that 'fragrant thing

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<sup>86</sup> ERO Q/SO 47 5 April 1842.



the county rate' with the implication that changes in methods of taxing land had led to problems for the agricultural community.

Although Lord Braybrooke had been one of the JPs who proposed the creation of the county force and was generally supportive, he was against any increase in numbers. That view was shared by William Davis of Leyton, whose attitude had not varied significantly since he gave evidence to a Select Committee in 1829. Davis, who had become a JP in 1824, believed the concept of a police force to be 'unconstitutional, and which if extended over this kingdom would place unlimited power in the hands of persons who ought not to have it, for we all know that power is a tempting thing.'<sup>87</sup> While he agreed with Lord Braybrooke that the police force should remain as it was, he still 'liked the old watch and ward system of our Saxon ancestors' and yearned for the restoration of 'this ancient constabulary force ... with opulent and intelligent men ... to preserve the peace and to protect property and persons.'<sup>88</sup> However, estimates provided by the Rev. J Cox to restore parochial policing suggested that it would cost nearly twice as much as the county force.

While some JPs supported Lord Braybrooke's wish to keep the force as it was, Messrs. Cox, Disney and Bramston made other proposals. John Disney was lavish in his praise but added, 'You want not a more efficient but a larger police. You want an engine of more horse power'. While he believed the force should be increased to prove to parish constables that quarter sessions supported the county force, it was agreed that because of the protests only fifty extra men should be appointed, rather than the maximum allowed by the Act.<sup>89</sup> After accepting that many participants had

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<sup>87</sup> *Chelmsford Chronicle* 25 November 1839.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Essex Standard* 8 April 1842.



been confused about the true nature of the debate, magistrates concluded that they only had to vote on whether or not to increase the size of the force. On a close vote of 46 to 42, therefore, it was agreed to increase the force by 50 men.<sup>90</sup>

### ***Money Matters***

It has been shown in this chapter - and indeed in the whole thesis - that most of the complaints about the county force related to its cost, rather than more lofty concerns about the effects of 'centralisation.' However anecdotal evidence repeated during the quarter sessions debates, and in some letters to the local press, revealed a certain amount of confusion among some ratepayers as to just how much they were paying for the police. Lord Braybrooke, for example, mentioned a man who thought he paid £20 a year although in reality it was only £2 10s.<sup>91</sup> A correspondent to the *Essex Standard* pointed out that an average farm of 150 acres generated a rate of 22s 6d a year, a sum that most farmers paid without complaint to mutual associations. That writer considered that opposition to the police was, therefore, 'more a matter of party feeling rather than the pocket.'<sup>92</sup>

The tax system of the late eighteenth and early nineteenth centuries was complicated and subject to inconsistencies.<sup>93</sup> Rates were based on a local assessment of the assumed value of land and buildings, and a parish quota often remained static for years despite changes to individual property values. Between 1779-1832 Land Tax assessments provided the basis of qualification for men eligible to vote in parliamentary elections. The tax was levied both on the owners of

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<sup>90</sup> Changes were also made to the force structure by dividing both constables and superintendents into three classes with progressive pay rates.

<sup>91</sup> *Essex Standard* 8 April 1842.

<sup>92</sup> *Ibid.*

<sup>93</sup> John West, *Village Records*, (Phillimore, 1982), p 144.



agricultural land, and on those owning property built on previously assessed land. This perceived unfairness seems to have been one of the major causes of discontent about rural taxation, as it meant the owner of a large house could be paying less tax than a small farmer. In 1815 a new Act allowed JPs to order the taking of 'fair and equal rates' based on revised county assessments, and to make new rates for a defined purpose (such as a police force).<sup>94</sup> Lancashire was one of the first counties to revalue its land and properties, followed in 1816 by Essex. As most counties had made no changes by 1832 a government report in 1834 recommended that land and properties be revalued at least once every 25 years, to ensure that growing towns made fair contributions.<sup>95</sup> After 'three years of toil and investigation' by quarter sessions, the county of Essex completed a reassessment of its land and properties in October 1845, shortly after some of the most intensive arguments about how much the new police force was costing.<sup>96</sup>

It is outside the objectives of this thesis to attempt a detailed investigation of the county rating system. However, in view of the many complaints about how much the police cost, it is relevant to examine briefly how much was collected by the police rate between 1840 and 1844, even though the actual cost of running the force is only available for 1840. Collecting the county rate and police rate on behalf of quarter sessions was one of the duties of the high constable of each Hundred, usually by that time a businessman or prominent farmer. Orbell Hustler, one of the high constables for Hinckford Hundred, for example, was also the magistrates' clerk, and several others were solicitors. Benjamin Carrington, one of the two Tendring Hundred high

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<sup>94</sup> Ibid.

<sup>95</sup> J V Becket, *Local Taxation: National Legislation and the Problems of Enforcement*, (London, 1980), pp 28-30.

<sup>96</sup> White 1848 p 44.



constables, was a farmer, but as has been shown earlier, he was also actively involved in self-generated arrests, which seems to have been unusual for a man in his position.

McHardy's report to quarter sessions in 1841 informed JPs that in the previous year the county force had cost £9,330 10s to operate.<sup>97</sup> While there were undoubtedly other financial sources to call upon apart from the sums collected by high constables, it can be seen from Table 5.10 below that the basic amounts collected for the first two years of the force do not appear to cover its running costs. It must, in consequence, be concluded that revenue was found from other sources whose records have not been identified - or else the force was running at a deficit. The virtual doubling of the police rate in 1842 also gives another meaning to the complaints about the cost of the county force, and the desire in some quarters for its abolition.<sup>98</sup>

***Table 5.10 Total amounts of police rates collected 1840-1844***

<b>Year</b>	<b>Amount £</b>
1840	6011
1841	7043
1842	14119
1843	13047
1844	14112

After all the protests in 1842 it is not surprising that the police rate dropped slightly in 1843 before rising to almost the previous level. It may have helped to extend the practice begun in 1840 of individuals and companies being encouraged to lend money to the county in return for interest on their loan. It was a practical way of

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<sup>97</sup> Scollan p 19. The actual cost was somewhat larger than the estimate of £6,620 reported in the *Chelmsford Chronicle* of 22 November 1839.

<sup>98</sup> ERO Q/CP 11.



achieving the large sums necessary to plan a programme for building police stations.<sup>99</sup> Such detailed financial matters would themselves justify an in-depth study.

Financial matters and public relations have underpinned most of this chapter, especially in the section on organising the county force, and discussion of the 1842 campaign to abolish it. One of the other key objectives has been to show how parish constables continued to operate alongside the new police, especially after Essex adopted the 1842 Parish Constables Act to improve police coverage of the county. While the Tendring case study suggests that relations between 'old' and 'new' constables may have been amicable in that area, it was not necessarily the case elsewhere. It has been shown that after quarter sessions resolved the debate into the future of the force by authorising a small increase in manpower, parish constables continued to operate alongside the county police for at least another decade. This fact in itself further nuances the work of Philips and Storch by demonstrating how provincial policing evolved from a number of different models. Yet as parish and county constables were changing, the boroughs of Essex retained their ancient privileges, and the next chapter discusses how policing was carried out in the four Essex boroughs both before and after the 1835 Municipal Corporations Act.

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<sup>99</sup> Scollan p 99.



## CHAPTER 6

### THE BOROUGH FORCES

'The Corporation of this Borough has long ceased to be identified with 'the Tenants, Residents and Inhabitants' [...] the majority of the freemen are not residents, and neither freemen nor inhabitants have any voice in the election of municipal officers, or in the management of corporate affairs [...] The mayor is elected by the capital burgesses out of the aldermen, the aldermen by the capital burgesses, and the capital burgesses by themselves. These are the elements of the council, which is invested with all the powers and privileges of the corporation, without being subject to disturbance from any external control' ...<sup>1</sup>

This chapter will examine, by means of case studies, the different ways in which four ancient Essex boroughs were policed from around 1800 to the 1860s. There has been little previous work on small borough forces prior to and immediately after the 1835 Municipal Corporations Act. Andrew Barrett's study of Cheshire boroughs is the most recent exception.<sup>2</sup> However, Roger Swift's study of the larger boroughs of Wolverhampton, York and Exeter compares policing in an expanding manufacturing centre with two cathedral cities policed by unreformed corporations.<sup>3</sup> In addition, Derek Oakenson's work on Brighton includes discussion about the influences of constables appointed by courts leet in that more modern borough.<sup>4</sup> While B J Davey has given a detailed account of policing the small town of Horncastle in Lincolnshire, the town was not a borough and was policed under the Lighting and Watching Act of 1833.<sup>5</sup>

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<sup>1</sup> Report of assistant commissioner on Harwich politics in 1835. Quoted in A F J Brown, *English History from Essex Sources, 1750-1900*, (Essex Record Office, 1952), p 185.

<sup>2</sup> Andrew Barrett, 'The System of Criminal Justice in Cheshire 1820-75', (Unpublished PhD, University of Keele, 1996).

<sup>3</sup> Roger Swift, 'Urban policing in early Victorian England 1835-56,' in *History*, Vol. 73, (1988), pp 211-237.

<sup>4</sup> Derek John Oakenson, 'The Origins and Development of Policing in Brighton & Hove, 1830-1900, with special reference to Local Political Control.' (Unpublished PhD, University of Brighton, 1994).

<sup>5</sup> For details of policing under the Lighting and Watching Acts see Chapter 3. B J Davey, *Lawless and Immoral: Policing a Country Town 1838-1857*, (Leicester University Press, 1983).



The organisational structure of boroughs before 1835 is complex, and depended upon how original charters were worded. While some described governing bodies as a 'corporation' others used terms like 'the twelve' or 'the four and twenty.' It is sometimes difficult to distinguish between governing bodies of manors and boroughs because many titles and functions were common to both, for example, common keepers, flesh searchers or bellman. Sidney and Beatrice Webb referred to a gradual change in ideas about boroughs between the seventeenth and nineteenth centuries. Business once carried out in open courts with fixed personal obligations on individuals, evolved into administration by committees operating in private to control what were, in effect, their own paid officials. The Webbs acknowledged their problems in trying to untangle some of the ancient borough practices. Current research is still complicated by the remains of ancient boundaries and their influences upon modern organisational structures.<sup>6</sup>

The county of Essex had a number of ancient borough towns, several of which gained their status in the twelfth and thirteenth centuries. Three were corporate boroughs returning members to Parliament (Harwich, Colchester and Maldon), while others (like Saffron Walden, Thaxted and Great Dunmow) were corporate boroughs without separate parliamentary representation. One of the benefits of borough privileges was independence from county officers such as the sheriff and Justices of the Peace.<sup>7</sup>

For reasons apparently related to expense, Great Dunmow and Thaxted gave up their borough rights in the seventeenth century. The following examination of policing immediately before and after the Municipal Corporations Act of 1835 focuses

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<sup>6</sup> Sidney and Beatrice Webb, *The Manor and the Borough*, (London, Frank Cass & Co.), reprint 1963 p 6.

<sup>7</sup> A C Edwards, *A History of Essex*, (Phillimore, 5th edition, 1994), p 50. [Hereafter Edwards].



on boroughs with at least some surviving records about policing, although none has a complete series. There were major difficulties in accessing two archives in particular.<sup>8</sup>

Before 1835 corruption and abuse of corporate powers was commonplace. The Municipal Corporations Bill was introduced into Parliament in June 1835, at least in part to make local government more accountable to voters. The *Chelmsford Chronicle* recorded the Bill's progress through Parliament, criticising Sir Robert Peel's attempt to select potential borough councillors only from those worth at least £1000. Had that proposal been accepted, suggested the *Chronicle*, the opportunity for popular control in boroughs would have been lost, and 'a little junta would be formed - quite as select and independent of the people as the present knots of corporate officers.'<sup>9</sup> Policing was a comparatively minor part of the 1835 Bill, and parliamentary debate on the topic was negligible. Lack of debate can, perhaps, have encouraged the leisurely pace at which borough forces were restructured.<sup>10</sup> Two years after the Act's introduction only 93 out of 178 boroughs claimed to have set up a police force, and they varied greatly in size and organisation.<sup>11</sup>

The Municipal Corporations Act came into operation on 1 January 1836, and was warmly welcomed by the *Chelmsford Chronicle*. 'The old corporations which had been strongholds of party power and sometimes instruments of corruption have fallen *en masse*, and a pure and liberal structure is rapidly rising above the ruins ... the

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<sup>8</sup> Harwich watch committee records were only accessible for two hours a week by courtesy of volunteer staff. Saffron Walden records were stored in several venues in the town and are being renumbered and listed prior to digitisation. Eventually the originals may be deposited in the Essex Record Office, although some were not available for study while this chapter was being prepared and my time constraints precluded further delays. Even though the Colchester watch committee records are stored in the Colchester branch of the Essex Record Office as Accession A7445, they are not catalogued. In order to pinpoint references, therefore, I have used WCM (watch committee minutes) and a date.

<sup>9</sup> *Chelmsford Chronicle* 3 July 1835.

<sup>10</sup> Stanley H Palmer, *Police and Protest in England and Ireland 1780-1850*, (Cambridge University Press, 1988), p 399.

<sup>11</sup> Jenifer Hart, 'Reform of the Borough Police,' in *English Historical Review*, Vol. 70, 1956, p 415. [Hereafter Hart].



reformers have gained an absolute majority.’<sup>12</sup> An editorial in the *Essex Standard* took a different party political line.<sup>13</sup> Instead of authority being in the hands of those whose property and rank guaranteed good conduct, power would be in the hands of those ‘whose habits and station in life’ made them ‘unfit for the proper discharge of so solemn and important a duty.’ The editorial grimly concluded that: ‘Every day we read of the new corporate bodies playing such antics before high heaven as to make angels weep ... There is no greater tyranny on earth than Whig or Radical increased with power...’<sup>14</sup>

In her seminal article on post-1835 reforms to borough police, Jenifer Hart examines some of the possible reasons for change. These ranged from a belief that small towns needed efficient forces to deal with villains forced out of London by the Metropolitan Police, to connections between crime and vagrancy not catered for by existing policing systems. Although Hart makes it clear that there were no comparable crime figures before 1857, the figures she used did not adequately support either reason. She concluded that it was necessary to reform borough police forces to improve inadequate policing systems in towns.<sup>15</sup> The amount of power shared between Whigs and Radicals depended upon the constitution of each municipal authority, and by extension to its watch committee. Under the 1835 Act, the watch committee was a corporate body which received powers similar to those later granted to a county chief constable. The Municipal Corporations Act did not specify whether constables were to be either full-time or paid, or how they were to be supervised.

David Wall suggests that because constables were regarded as the executive arm of

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<sup>12</sup> *Chelmsford Chronicle* 1 January 1836.

<sup>13</sup> The *Essex Standard* was described as ‘conservative in politics and strongly attached to the Church of England’. (British Library, *Newspaper Press Directory* 1846). The *Chelmsford Chronicle* inclined towards Whig/Liberal politics.

<sup>14</sup> *Essex Standard* 22 January 1836.

<sup>15</sup> Hart p 416.



awatch committee it had been assumed that one of them would be nominated as the day-to-day supervising officer. That may explain why there is such a variation in how borough chief officers' titles were recorded - sometimes even in the same document.<sup>16</sup>

**Table 6.1 Population figures of Essex boroughs with police**

<b>Borough</b>	<b>1831</b>	<b>1841</b>	<b>1851</b>
Colchester	16167	17790	19443
Maldon	3831	3967	4558
Harwich	4297	3829	3383
Saffron Walden	4762	5111	5911
all Essex	317507	344979	369318

### ***Policing Maldon***

Maldon is a small coastal town at the junction of the rivers Chelmer and Blackwater about 10 miles from Chelmsford and 14 miles from Colchester. The borough of Maldon formerly consisted of three parishes and received its original charter in 1171. A later charter created a corporation controlled by two annually elected bailiffs, eight aldermen, a steward, recorder, and eighteen capital burgesses. Two MPs represented Maldon until 1832. From the seventeenth century power within Maldon was maintained by various ploys, one of which involved restricting settlement rights for new residents to those with a licence from quarter sessions. The borough of Maldon also had its own petty sessions and an Admiralty court.<sup>17</sup> A civil parish administration existed concurrently with the ecclesiastical parishes. All Saints and St Peters, although 'long since consolidated,' appointed some of their own parish

<sup>16</sup> The confusion continued until well into the nineteenth century, and in December 1859 one of Her Majesty's Inspectors of Constabulary (HMI) drew the Home Secretary's notice to the confusion over borough chief officers' titles. It was agreed that as the title of chief constable had been fixed by law for the head of a county force, a new designation was needed for the head of a borough force. 'Chief Superintendent' was suggested for Colchester, but it chose to retain its most recent variation which was 'head constable'. Not until 1897 were borough forces allowed to use the title of chief constable, to give parity with county forces. David Wall, *The Chief Constables of England and Wales*, (Ashwell, 1999), pp 29-31.

<sup>17</sup> W J Petchey, *A Prospect of Maldon*, (Essex County Council, 1991), p 49.



officers until well into the nineteenth century, but few records survive for St Mary's.<sup>18</sup> After the Sturges Bourne Act of 1819 empowered (but did not compel) parishes to combine under a vestry of selected residents to provide poor relief, a select vestry also seems to have been involved in selecting the constables of St Peter's, at least from the 1830s. The select vestry appointed in 1819 was temporarily abandoned at one point before being reinstated in 1829.<sup>19</sup>

While Maldon's officials promptly fulfilled their obligations under the 1835 Municipal Corporations Act, there was no other obvious commitment to rapid change. Policing reform was as slow in Maldon as in some of the boroughs examined by Hart.<sup>20</sup> Councillors were appointed and a watch and ward committee nominated, but after its initial meeting on 5 January 1836 the minute book shows no other meeting taking place until 12 September 1837. An organised schedule did not emerge until late 1838.<sup>21</sup>

The watch and ward committee 'nominated and appointed' eleven constables, several of whom also held borough offices which included gaoler, headborough and sergeant-at-mace. Only one constable was illiterate.<sup>22</sup> Each man was sworn before the mayor (a JP *ex-officio*) on 6 January 1836. The oath allowed each man the right to operate within the borough, the county of Essex, and its liberties.<sup>23</sup> Hart suggests that it was not uncommon for watch committees to appoint existing officers, both to the higher posts and as ordinary constables.<sup>24</sup> This is reflected in Maldon where several constables had been serving previously in All Saints and St Peter's, either as

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<sup>18</sup> Pigot's *Directory of Essex*, (London, 1823). [Hereafter Pigot].

<sup>19</sup> ERO D/B 3/8/13.

<sup>20</sup> Hart p 421.

<sup>21</sup> ERO D/B 3/6/3.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Hart p 420.



a constable or a borough official.

**Table 6.2 Constables sworn in on 5 January 1836**

John Bale	William Doubleday	Stephen Clarke
John Beale	Charles Handley	Robert Cranies
Joseph Brown	Thomas Keys	James Cook
Abraham Livermore	Thomas Orrell	—

Examples have been noted which suggest the office of constable ran in families, but because of the common practice of using the same Christian names in successive generations it is rarely possible to identify precise relationships before the 1841 census. John Beale in Table 6.2 is an exception. He appears in the watch committee minutes as workhouse governor and constable. In the 1841 census he was shown as a man of sixty living in the workhouse and acting as constable. Beale's wife was the workhouse matron, and their son Joseph, aged twenty, was a cabinet maker. In 1847 Joseph Beale became both governor of the workhouse and a constable of St Peter's parish.<sup>25</sup>

As well as the workhouse governor, the constables shown in Table 6.2 included two cordwainers, two carpenters, a gardener, porter, shopkeeper, and a meter.<sup>26</sup> Two of the constables were also sergeants-at-mace (Thomas Orrell and Stephen Clarke). In the 1841 census Orrell was a seventy-year-old gardener, while Stephen Clarke is shown as aged fifty, but with no occupation. Although Brown is a common enough surname, the All Saints records show three constables named Brown between 1790 and 1833.<sup>27</sup> In the 1841 census there was a twenty-six-year old blacksmith named Joseph Brown living in the High Street who may have been the constable serving in 1836. Abraham Livermore was a constable of St Peter's between

<sup>25</sup> ERO D/B 3/6/3.

<sup>26</sup> One who measures, especially land, coal and other commodities, (*Shorter OED* p 1242).

<sup>27</sup> A Joseph Brown between 1790-1, 1808-1816, 1820, and 1826-1833. In addition, a Joshua Brown was high constable in 1818-19 and a William Brown was a constable in 1832.



1829-1835, and continued under the new Act. In the 1841 census he was a sixty-five-year-old man living with his wife but declaring no occupation. The St Peter's records also show a John Bale as constable in 1810 and again between 1825-1832. This was almost certainly the same man sworn in under the new Act. Men named Cook were constables for the hamlet of Spital in St Peter's parish almost continuously between 1800 and 1836.<sup>28</sup>

It is clear that the Maldon borough constables were part-time, as they had no official clothing and were paid according to their services. Their powers came from common law.<sup>29</sup> Five shillings a day was paid to each man for the three days of the annual fair, and 2/6d for each night worked. It can be seen from the constables' occupations that some of them were men of reasonable standing within the community. St Peter's parish constables between 1784-1822 lived in houses rated annually at between £3 and £7; the property with a higher figure included a shop attached to the house. Two of the constables in 1811 (John Bale and John Cook) had houses rated at £5. Men selected as overseers often had higher rated business properties - for example £300 for Beeleigh Mill, and £51 for a mill and coalyard. However some of their houses were only rated between £12 and £31. The lowest rated overseer in 1810 had a house rated at £3, while the highest rated constable in the same period had a house rated at £15.<sup>30</sup> Such disparities suggest that there were other considerations in choosing parish officials, apart from the rateable value of their properties.

There is no indication initially that any of the men was designated as a head

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<sup>28</sup> John Cook was constable between 1800-1822, James Cook between 1813-1814 and 1822-1823, and William Cook between 1831-1833. In the 1841 census James Cook is a sixty-year-old carpenter living with his wife of the same age; he is almost certainly the same man who was still acting as constable until 1839.

<sup>29</sup> ERO D/B 3/6/3.

<sup>30</sup> ERO D/B 3/8/9.



constable of the part-time force. However, when the quarterly report to the Home Office was made in January 1839, reference was made to the 'chief constable' being paid £5 a year. In the preparations for the 1839 annual fair John Bale - shown as cordwainer in the first watch committee minutes - is described as the chief constable, although by the time the report was sent to the Home Office in 1840 Bale had been dismissed for neglect of duty.<sup>31</sup>

The surviving records are brief, and give few clues to the relationship between watch committee and constables. There is, however, some evidence of a closer contact with county justice after 1840, when the watch committee compared the different costs between maintaining prisoners at the borough gaol rather than the county gaol. The latter was cheaper. By the time the *Police and Constabulary List for 1844* was published, Maldon recorded a strength of 7 officers for its 4000 population, one constable for every 571 residents. Surprisingly it was the only Essex borough force to have provided its details for publication.<sup>32</sup>

As far as one can tell there were few prosecutions by Maldon constables. From 1839 the petty sessions met on Tuesdays in the presence of the mayor and at least one other JP. Apart from hearing a charge of assault against one of the constables, the only other police-related case involved two men accused of stealing wood. The owner of the wood - Joseph Ward - and Thomas Keyes (one of the constables) were examined as witnesses before the case became one of the few to be remitted to the borough quarter sessions. As it has only taken one volume of quarter sessions minutes to cover the years 1826-1882, it is hardly surprising that the most common

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<sup>31</sup> ERO D/B 3/6/3.

<sup>32</sup> Quoted on p 35 of David Taylor, *The New Police in Nineteenth-Century England*, (Manchester University Press, 1997), p 35.



entry in the book was the legend that 'the grand jury had no presentments to make.'<sup>33</sup>

The system of part-time constables in Maldon seems to have continued until about 1853, although several long breaks in the minutes make it difficult to be more specific.<sup>34</sup> In August 1853 an advertisement in the *Chelmsford Chronicle* resulted in seventeen applications for two posts of Maldon borough constable. A shortlist of four comprised one member of the Essex Constabulary, a Colchester borough man, one Metropolitan officer and one local man. Frederick Chilvers, the ex-Essex man, was selected, with John Rye of Colchester as second constable. Rye resigned in August 1855 and was replaced by William King, a warder from Springfield gaol, but at that point the records cease for six years.<sup>35</sup> When they resume in 1861 Maldon appears to have reverted to the old system. Stephen Clarke, a former sergeant-at-mace, and William Clarke, the gaoler, are the only constables, and there is no indication of there being any professional police officers. No other evidence has been found to fill the gap in the records.

In 1860 Colonel Cobb, Her Majesty's Inspector of Constabulary (HMI), considered the Maldon force was too small to obtain the government grant for efficiency. He also complained that one of the constables was seventy-three years old.<sup>36</sup> Cobb suggested abolishing some borough officials and reducing allowances so the force could afford two extra policemen.<sup>37</sup> Unfortunately there are no records between 1864 and 1871, when the cost of policing Maldon was estimated at £205 10s a year. Some of this probably included the expenses for Stephen Clarke, William Clarke and William King who appear in *White's Directory* for 1863 as sergeant-at-

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<sup>33</sup> ERO D/B 3/2/15.

<sup>34</sup> ERO D/B 3/6/3. For example between 1849-July 1853, Nov. 1861-63, June 1864-Sept. 1871.

<sup>35</sup> Ibid.

<sup>36</sup> Maureen Scollan, *Sworn to Serve*, (Phillimore, 1994), p 73. [Hereafter Scollan].

<sup>37</sup> ERO D/B 3/6/3.



mace, gaoler and police superintendent.<sup>38</sup> From the 1870s a more professional approach began with meetings of the watch committee at least once every two months. At around that time the minimum height restriction for constables was raised to 5 feet 8 inches and - more importantly - Pc William Clarke's main job as keeper of the lockup was abolished. Clarke was promoted to sergeant and the HMI report for 1872 declared the force as efficient for the first time.<sup>39</sup>

The only surviving book of printed regulations also dates from this period. While most of the regulations are concerned with qualities like neatness and punctuality, one regulation reminded Maldon officers to devote their whole time to policing. A more formal command chain was also established between the borough's chief officer and its watch committee. The former was required to act as inspector of nuisances and of weights and measures, as well as immediately reporting any robberies to the mayor. Co-operation with the county constabulary was also demanded, especially in investigating crime and apprehending offenders, particularly at borough boundaries.<sup>40</sup> Such co-operation did not always work in practice. As late as 1881 the head constable was censured for getting a county constable to help him search a building when members of the watch committee thought their approval should have been sought.

Under the Local Government Act of 1888 any borough with a population of less than 10,000 inhabitants automatically lost the right to its own police force; Maldon's population was less than half that figure. The final meeting of the watch committee took place on 22 January 1889, and the five officers of the borough force joined the 310 men of the Essex Constabulary on 1 April 1889. The head constable of the

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<sup>38</sup> White 1863 p 221.

<sup>39</sup> Scollan p 118.

<sup>40</sup> ERO D/B 3/6/3.



borough force was made an inspector in the Essex Constabulary. There is a good example of what Hart charmingly calls 'tenderness to old servants', when two of the men were allowed to keep their appointments as town hall keeper and clock winder, provided such tasks did not interfere with police duties.<sup>41</sup> The local newspaper accepted the situation without much comment beyond hoping that policing would continue to be adequate, and observing that the borough would be assessed for county rates from 1 April 1889.<sup>42</sup>

### ***Policing Harwich***

The borough of Harwich stands at the most northern point of the Essex coastline, 42 miles from Chelmsford, 19 miles from Colchester, and 12 miles from the Suffolk county town of Ipswich. Harwich was originally the county's principal point of exit and entry to and from the continent.<sup>43</sup> St Nicholas' parish covers the town centre, while Dovercourt (now a town in its own right) was originally a rural area within the borough. While Harwich gained its first charter in 1318, a document dated 1604 provided the basis for local government and allowed the election of two Members of Parliament. However as a government 'pocket borough', only the mayor and a few aldermen and burgesses were allowed to vote.<sup>44</sup> The corporation comprised a mayor, eight aldermen, twenty-four capital burgesses and a salaried recorder. There was also a Court of Admiralty until about 1800, petty sessions, quarter sessions and a court of pleas.<sup>45</sup>

As Hart observes, the three weeks stipulated in the 1835 Act for a watch

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<sup>41</sup> Hart p 420.

<sup>42</sup> *Essex Weekly News* 22 March 1889.

<sup>43</sup> Edwards p 47.

<sup>44</sup> It lost one MP in 1867 and was merged with the county division in 1884.

<sup>45</sup> William White, *History, Gazeteer and Directory of the County of Essex*, (Sheffield, 1848), pp.18-19. [Hereafter White 1848]. D Male, *From Serf to Citizen*, (Harwich Town Council, 2004).



committee to appoint 'a sufficient number of fit men... survey the existing, often complicated arrangements for policing the town... [decide] which of the old ones could be kept on; and advertise for and appoint new [constables]' was not a realistic period in which radical changes could be made. Giving the watch committee supervision of existing constables was likely to have been the only realistic change in that timescale.<sup>46</sup> The fact that Harwich appointed William Burton as 'chief' or 'high' constable suggests a desire to fulfil the statutory requirements quickly, and probably indicates that Burton held a similar role before 1835, although this cannot be confirmed because there are few surviving documents.<sup>47</sup>

A reference in a coroner's inquest report implies there was a 'high constable of Harwich' in 1797, and in 1807 the same man was described as 'the chief constable of Harwich.'<sup>48</sup> The same document refers to petty constables receiving a fee of 12 shillings in connection with a coroner's jury, but does not give their names. Sergeants-at-arms were more closely involved with coroners' inquests, but none of them are named in the fragmentary surviving documents.<sup>49</sup>

In December 1835 Harwich elected twelve borough councillors under the Municipal Corporations Act.<sup>50</sup> All the existing aldermen were re-appointed, and minor officials like town sergeants confirmed in office.<sup>51</sup> One of the new councillors was Lewis Cottingham junior, described in the 1841 census as a thirty-eight-year-old plumber. However, entries in White's *Directory* of 1848 suggest that some of the other councillors may have been more significant businessmen. John Pattrick, for example,

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<sup>46</sup> Hart p 415.

<sup>47</sup> The few surviving pre-1835 records have made this impossible to confirm, and boroughs were exempt from many of the quarter sessions documents which list high constables or parish constables prior to 1835.

<sup>48</sup> In common with other places the use of 'high' and 'chief' seem to have been interchangeable.

<sup>49</sup> ERO T/A 335.

<sup>50</sup> Harwich watch committee minutes (afterwards HWC) 6 December 1835.

<sup>51</sup> *Chelmsford Chronicle* 8 January 1836.



is shown as a corn miller and chandler, William Randfield a ship owner, and John Sansum as a solicitor.<sup>52</sup>

The first meeting of the watch committee took place on 4 June 1836, when fifteen names are listed, including that of the mayor as chairman. Four of the councillors were not listed in the appointments made the previous December, so it may have been decided to inject some 'new blood' into the corporation. At the same meeting nine constables were appointed for St Nicholas parish, and three for Dovercourt. Evidence suggests that the constables were part-time although the head constable may not have been. Three sergeants-at-mace were also sworn in. One of them was James Hart. However there are three men with that name in the 1841 census and no conclusive evidence as to which was the sergeant-at-mace. One James Hart was a twenty-one-year-old mariner, one a thirty-year-old surgeon and the third a forty-five-year-old shoemaker. The two other sergeants-at-mace were Robert Gosnell and John Benneworth, the latter shown in the 1841 census as a sixty-year-old labourer. A parish constable with the same name claimed expenses in 1807 for transporting prisoners to Chelmsford, which suggests that John Benneworth had previous experience as a constable.<sup>53</sup> Robert Gosnell was listed in the 1841 census as a sixty-year-old 'independent,' but he was 'clerk of the market' in 1848.<sup>54</sup> The other constables who have been identified from the 1841 census are Richard Meadows of Dovercourt, a gardener, aged thirty-five; James Everett a blacksmith aged fifty-three; and William Howgego a light keeper, aged fifty. Their main duties were to be in the church during Sunday services. Wages of 2 shillings for working on Sundays and 1s

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<sup>52</sup> 1848 p 490. Pattrick was appointed as a borough JP on 27 November 1841, one of the few Harwich JPs who actually lived in the borough. (HO 90/1).

<sup>53</sup> ERO T/A 335.

<sup>54</sup> White 1848 p 489.



6d for working on Saturday nights confirm their part-time status.

At the watch committee meeting on 4 June 1836 William Burton was appointed as chief constable of the borough with an annual salary of £20 a year. Such an amount suggests a full-time appointment, but it is not clear from the minutes, although the 1841 census describes William Burton (then aged sixty) as high constable and banker. David Wall has discussed borough chief officers' titles and the problem is well illustrated by Burton being variously described as 'chief' or 'high' constable, according to who completed the minute book.<sup>55</sup> While the absence of records makes it impossible to discover Burton's previous policing experience (if any), his duties were clearly tailored to the narrow layout of the town's streets. He was instructed to be on duty every day to 'preserve the peace and prevent the frequent interruptions and stoppages occasioned by persons standing at the corner of the streets and lanes of the town.'<sup>56</sup>

Section 58 of the 1835 Act ordered the appointment of a town clerk who was not a member of the council. Harwich, perhaps because it is a port and also close to Suffolk, seems to have had a particular problem with vagrancy as this is not often mentioned by the other boroughs in the study. Many matters concerning vagrancy were delegated to the town clerk. In October 1839, for example, he was told to prepare a book into which the high constable was to enter details of vagrants leaving the borough, together with the names of the constables involved. While the record book was always inspected at watch committee meetings, it was only in July 1840 (when a fee for constables seems to have been introduced), that vagrants and their detaining constable had to appear in person before the mayor or another JP. The

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<sup>55</sup> David S Wall, *The Chief Constables of England and Wales*, (Ashgate, 1998), p 30.

<sup>56</sup> HWC June 1836.



administration apparently failed to keep up with the numbers, for in April 1841 two constables complained about not receiving their fees. They had to wait a further three months while the circumstances were examined.<sup>57</sup>

Manpower remained virtually the same between 1836 and 1838, but in November 1838 William Burton was 'removed' as chief constable. According to the 1841 census he would only have been about fifty-five, so age is unlikely to have been the reason. No mention was made of Burton having infringed regulations, although the word 'removed' suggests he did not go voluntarily. Eight constables were 'removed' at the same time which could have resulted from a major problem, or else it implies that two years was the normal period of service. The records are silent.

### ***Harwich goes Professional***

Henry Parris has discussed the benefits in efficiency for counties and boroughs which consolidated after 1857, but as early as 1846 the watch committee instructed its town clerk to approach McHardy about the possibility of having two full-time county policemen in Harwich. Telling councillors he would be outside his powers to make such arrangements, McHardy advised them to either amalgamate with Essex Constabulary, or set up a full-time paid borough police force - like the one in Colchester - with a superintendent and three constables.<sup>58</sup> One faction within the watch committee wanted to accept McHardy's advice about setting up their own force; the other considered the proposals much too expensive.<sup>59</sup> The first group triumphed, and a full-time borough force came into being on 1 February 1848.

While McHardy had agreed to comment on any Essex man applying for the superintendent's post, his observations were not needed as the successful candidate

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<sup>57</sup> Ibid. 26 July 1841.

<sup>58</sup> HWC January 1846.

<sup>59</sup> HWC 21 February 1846.



had previously served in the Ipswich Borough Constabulary. In the 1851 census Superintendent George Coleman (then aged thirty-six) was living with his family in the Harwich Guildhall. Coleman was born in Ipswich where he had been a butcher before joining its borough force on 15 May 1836. On 20 March 1846 he was dismissed, which should have made him ineligible under Home Office regulations for the Harwich post. However, with a gap of nearly two years before his application to Harwich, some sort of compromise appears to have been made - or else he lied.<sup>60</sup> Coleman was allowed to choose his own constables - subject to committee approval - and David Rush, Jeremiah Moore and Thomas Slatter became the first full-time Harwich police constables.<sup>61</sup>

The survival of a 'daily log' of Harwich police from 23 February 1849 until 7 May 1852 allows an insight into how Superintendent Coleman organised his force. It is likely that Coleman made the daily entries as the handwriting is the same throughout. The basic patrol pattern shows that at least two officers (one of which was invariably Coleman) started work at 10am and patrolled the town. Another constable often began work at 4pm and patrolled the town until two or three in the morning. There was sometimes an overlap shift of 9am to 5pm. Supervisory visits to inns and beerhouses were always made on a Sunday. In the first four months of entries there are six mentions of self-generated arrests for offences ranging from theft of clothing to drunkenness and disorderly conduct. Two prisoners were 'received into custody' from, presumably, the victims of their thefts. Two special constables were active on a regular basis patrolling with the regular police on at least four occasions.

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<sup>60</sup> Information obtained from ex-chief inspector Leslie Jacobs who has transcribed Ipswich police personnel records.

<sup>61</sup> Although Rush was born in Suffolk, he had previously served in the Essex Constabulary. According to the 1851 census Thomas Slatter was thirty-three and had been born in Oxfordshire. His previous police experience is unknown. Nothing is known of Jeremiah Moore.



Harwich constables also helped the collector of customs with a smuggling case, searched unsuccessfully for two dredgers<sup>62</sup> taken from a fishing smack named 'Mayflower' and also served summonses for non-payment of church rates.<sup>63</sup>

The watch committee minutes hint at disputes over some of the superintendent's decisions. Parris confirms that this was not unusual after 1857, but it may have been less common prior to that date.<sup>64</sup> In August 1849, for example, Superintendent Coleman granted Pc Slatter leave of absence, but when it was found afterwards that he had used the time to get married, Coleman reported the matter to the watch committee. The members considered that marriage without permission was not a reportable offence, and after making such a decision against the superintendent, they granted him ten days leave of absence 'for a change of air'. In April 1851 Superintendent Coleman was out of Harwich on enquiries and missed the watch committee meeting. Councillors told him that he must delegate such enquiries to the constables in turn; the implication being that *his* role was to attend the meeting.<sup>65</sup>

Although Harwich was an independent force it needed support on several occasions from both the county police and the Ipswich borough force. In August 1852, for example, councillors authorised a bill for £19 to pay for the Essex officers who had policed an election. A further £11 11s 2d was paid for the same reason in September the following year. In January 1855 Ipswich borough police provided unspecified help and, as well as paying expenses, contributions were made to its superannuation

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<sup>62</sup> A word with various meanings, but in this context is likely to have been either a dragnet for collecting oysters, or apparatus for cleaning out the bed of a river. *Shorter OED* p 562.

<sup>63</sup> ERO J/P 4/3. This is partly an occurrence book, as it records the daily times and duties of all the officers, and includes incidents such as arrests, visits to licensed premises and court attendances.

<sup>64</sup> Parris p 251.

<sup>65</sup> HWC 10 August 1849.



fund.<sup>66</sup>

In August 1856 Harwich watch committee received a circular about the County and Borough Police Act, and decided to consult McHardy about amalgamating with the county force. The Essex chief constable met members to discuss policing needs, and suggested that two sergeants and four constables on different pay grades would be the minimum manpower. The town clerk attended a meeting of county magistrates to negotiate amalgamation terms. Under the agreement the watch committee lost its powers to appoint local officers, but was promised consultation before any changes were made to manning levels. Harwich manpower was to be made up of one inspector, two first class constables, and two second class constables who would receive the same pay and conditions as their county colleagues. Harwich was to pay a quarterly sum to cover the men's wages and a proportion of the chief constable's salary.<sup>67</sup>

The whole amalgamation scheme almost floundered over McHardy's request for a lodging allowance for officers not billeted in the Guildhall. Harwich councillors objected to the extra expense, and McHardy had to set a date for removing his policemen before a compromise was reached. The borough agreed to pay one shilling extra a week lodging allowance to each constable, but the inspector had to become 'inspector of weights and measures and nuisances' without additional payment.<sup>68</sup>

Harwich Borough Police was eventually amalgamated with Essex Constabulary on 1 February 1857, although the watch committee continued both to exist and to interfere in operational matters. A letter from the HMI in October 1858

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<sup>66</sup> HWC 21 January 1855.

<sup>67</sup> HWC 20 August 1856.

<sup>68</sup> HWC 13 May 1857.



enquired how councillors viewed the new arrangements. Their response was unfavourable, followed by complaints about the local inspector because he discharged from custody a boy committed by a local magistrate. Calling the inspector before the council to explain his behaviour, the town clerk later asked McHardy how much discretion he allowed his officers. McHardy explained the limited nature of police powers, and 'gave instructions to the inspector on various subjects.'<sup>69</sup> The increasingly sparse minutes mention further unspecified dissatisfaction with the new system before ceasing entirely in August 1860.

### ***Policing Saffron Walden***

Saffron Walden is in north west Essex, close to where the county boundaries of Essex, Cambridgeshire and Hertfordshire join. Saffron Walden parish includes the town itself and four hamlets: Little Walden, Swards End, North End and Audley End. Medieval Walden grew up under the shadow of Geoffrey de Mandeville's important Norman castle, and his successors as lords of the manor ensured the town did not secure its first royal charter until 1549, or even gain control of its own market until 1618.<sup>70</sup> Much of the area was owned by the Braybrooke family who were influential members of the county hierarchy in the eighteenth and nineteenth centuries. Lack of independence may explain why Saffron Walden was not a parliamentary borough, and its distance from Chelmsford (27 miles) adds to its continuing sense of isolation. Little is known about the activities of the unreformed corporation and its relationship with parish authorities, but several days of rioting about the high price of food in 1795 showed some of the difficulties experienced by the mayor and a few parish constables in such a remote area of Essex. Intervention by the owners of Audley End

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<sup>69</sup> HWC 26 October 1858.

<sup>70</sup> Edwards p 49.



House eventually resulted in military assistance being sent across the county from Colchester. The subsequent trial of eighteen men for riot and conspiracy included only one constable as a witness.<sup>71</sup>

Named parish constables were submitting occasional expenses between 1819 and 1835, but it is not clear whether they were appointed by the parish or the unreformed corporation. In 1820, for example, Edward Cornell claimed expenses from borough quarter sessions for three days spent on a non-specific trip to London and for serving various summonses. In 1822 James Howard claimed fees for making militia lists and attending the whipping of prisoners. In 1834 James Wedd claimed 2s 6d for a journey made on the mayor's instructions to prevent a fair being held. Joseph Kent appears in the same document as a constable between 1827-1835. He is likely to have been the same man who subsequently became a borough constable.<sup>72</sup>

The first meeting of the new Saffron Walden borough council took place on 1 January 1836. It included a number of dissenters, several of whom were members of a Quaker family named Gibson, and seven councillors who were also newly-appointed as JPs. Initially the watch committee was made up of nine councillors, but after several months the council took the unusual step of making all its councillors members of the watch committee, which helps to explain the detailed policing references in the council minutes.<sup>73</sup>

Before 1835 Saffron Walden had its own courts of quarter and petty sessions, and a town court. Such rights were not automatically reinstated under the Municipal Corporations Act, and John Player, first dissenting mayor of the reformed corporation,

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<sup>71</sup> ERO D/DBY 012 and D/DU 1253.

<sup>72</sup> D/B 2/PAR 10/8.

<sup>73</sup> D/B 2/BRL 3/1. This fine detail may also explain why the watch committee minutes are brief and irregular. Although I was not able to gain access to them for this thesis, I did see them in connection with another project about twenty years ago.



masterminded a campaign against the Home Office for Walden to keep its quarter sessions. Player argued his case on the borough's remote location, the need to ensure local administration of justice, and the cost of travelling to Chelmsford. The application was refused initially, but reversed after an all-party deputation to the Home Office and an allegedly unsolicited intervention by Lord Braybrooke, owner of Audley End and a county JP.<sup>74</sup> When the borough quarter sessions were reinstated, church bells rang and a band paraded through the streets.<sup>75</sup>

It is not known how the first head constable of the municipal borough came to be appointed, although he is almost certainly the same Joseph Kent who was operating as constable from 1827-1831.<sup>76</sup> A small account book kept by Kent records some of his expenses as head constable. In April 1836, for example, he employed three constables to convey a prisoner to gaol, and in 1839 claimed for 'putting a stranger in the cage'.<sup>77</sup>

The borough council's minutes contain watch committee reports for 1836, including the appointment of John Mynott and Jeremiah Stock as constables for the hamlets of Swards End and Audley End; Little Walden hamlet had no suitable candidate. It appears that hamlet authorities nominated their own candidates who were then sworn in by the watch committee as borough constables. John Mynott, for example, was sworn in as a constable for the borough in July 1836.<sup>78</sup>

McHardy first approached Saffron Walden council in November 1840, offering to speak to its members about the advantages of amalgamating with the county force. John Player, the Quaker mayor, and Henry Burrows, a Tory chemist with property in

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<sup>74</sup> Jacqueline Cooper, *The Well-Ordered Town*, (Cooper Publications, 2000), p 119.

<sup>75</sup> *Chelmsford Chronicle* 3 June 1836.

<sup>76</sup> D/B 2/PAR 10/8.

<sup>77</sup> D/B 2/PAR 3/6.

<sup>78</sup> D/B 2/BRL 3/1.



the town centre, believed that amalgamation would lead to a more efficient police force and were in favour of McHardy's proposals. The town clerk was asked to produce a draft agreement identifying premises in the town for a county police station - subject to a suitable rent being paid to the borough - and to make it clear that interference with the powers of borough magistrates was not an option.<sup>79</sup> When the draft agreement was submitted to the county Clerk of the Peace he refused to agree to the renting of a police station in Saffron Walden, presumably because quarter sessions had already decided to convert nearby Newport house of correction into a divisional headquarters for the county force. Ever sensitive to the status of their borough, Walden's councillors refused to pursue the amalgamation plans.

Very little is known about William Campling, or how he came to be appointed as head constable in 1848. A man with an identical name joined the Essex Constabulary in February 1843 and was discharged two months later for 'incapacity.' However the ages do not tie up, for when head constable Campling died in 1849 his age was given as fifty-three.<sup>80</sup> Campling was shot on 31 October 1849 as he returned home from an evening in a local public house, and he died nine days later. Watch committee members quickly became involved in the search for a suspect named Pettitt who was known to have had disagreements with Campling. Having failed to find any evidence, councillors invited Superintendent John Clarke, the nearest county superintendent, to investigate their suspect. While Clarke was partially successful in identifying bullets, it is not clear whether he was withdrawn by McHardy, or whether the watch committee declined further assistance. Nearly three months later the watch

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<sup>79</sup> Ibid.

<sup>80</sup> William Campling, aged twenty-three, born in Norfolk, was formerly a blacksmith. (ERO J/P 2/1). William Campling, high constable of Walden, was shot in 1849. His age at the time was given as fifty-three and his death certificate describes him as 'borough surveyor.' (Essex Police Museum).



committee asked McHardy to lend them another officer, but when the request was refused they employed a Metropolitan Police inspector whose efforts yielded nothing. With only circumstantial evidence against the sole suspect, the case against Benjamin Pettitt was thrown out at Assizes.<sup>81</sup>

In 1853 a petition from ratepayers complained of the borough force's inefficiency and recommended that Walden should amalgamate with the county police. The corporation procrastinated by setting up a sub-committee to decide whether the allegations were justified, but eventually the proposals were deferred as there was said to be a better understanding between the borough force and its county neighbours. It is difficult to see the justification for such an assertion.<sup>82</sup>

Three years later, when the compulsory County and Borough Police Bill was going through Parliament, Walden councillors petitioned against it on the grounds that it was biased in favour of counties. The Bill was described as an 'unconstitutional interference with the privileges of boroughs', which would deprive them of their independence, and foster 'that process of centralization which is entirely subversive of the ancient constituent rights possessed by all municipal bodies for the management of their own affairs...'<sup>83</sup>

In the 1850s Saffron Walden council made vain attempts to professionalise its police force, but in practice appointed several officers who were quickly found to be unsuitable. Oliver Kirby, for example, transferred from the Colchester Borough Police to be chief constable, but prior to that he had enjoyed a chequered career as grocer, warden of hulks, soldier, Metropolitan constable, and a constable in Norwich Borough

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<sup>81</sup> Benjamin Pettitt was kept in the county gaol between 8 November 1849 and 8 March 1850 before being acquitted at Assizes. (ERO Q/FAc 7/2/2A).

<sup>82</sup> D/B 2/BRL 2/1.

<sup>83</sup> D/B 2 BRL3/1.



Police. One month after his appointment to Saffron Walden, Kirby was found drunk and disorderly on duty and dismissed.<sup>84</sup>

Inspector Richard Harvey, formerly of Cambridge Constabulary, became in 1856 the last Saffron Walden chief constable. On 9 November 1857 Essex JPs signed an agreement with the aldermen and burgesses to amalgamate the two forces. Under the agreement an inspector, two first class and two second class constables were to be based in the borough, with the same pay and conditions as their county colleagues. The borough council was to be consulted before any changes in numbers were made.<sup>85</sup> From late 1857 Saffron Walden constables were appointed and managed by McHardy, although he authorised the watch committee to receive information from the local police inspector about personnel and complaints, once they had assured him such details would be kept secret. The watch committee continued to meet quarterly until 1924.<sup>86</sup>

### ***Policing Colchester***

Colchester was known as Camulodunum in Roman times, and claims to be England's oldest recorded town. Standing at the head of the navigable River Colne, it is about 25 miles from Chelmsford and 20 miles from Harwich. Colchester's first charter in 1189 gave its burgesses rights to hold their own courts and hunt within the borough. Before 1832 the franchise was limited to existing burgesses and freemen, their relatives and apprentices, so many influential people like bankers, lawyers and schoolmasters were not eligible to vote.<sup>87</sup> The borough's right to two MPs was reduced to one in 1884. Apart from its size, Colchester differs in many ways from the

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<sup>84</sup> ERO T/A 31.

<sup>85</sup> ERO Q/APp 8.

<sup>86</sup> D/B 2/BRL 4/60.

<sup>87</sup> A F J Brown, *Colchester 1815-1914*, (Essex County Council, 1980), p 79. [Hereafter Brown].



other Essex boroughs. In his study of social reformation in Colchester, Richard Dean Smith provides an insight into the difficulties of examining the organisation of what he describes as a large and complex urban centre, acknowledging that the methods of appointment, duties and responsibilities of such officers were unclear in the early modern period.<sup>88</sup> The present writer has also found the borough administration to be complex. One tier of local government was centred on wards, each of which had a head constable and sub-constables whose tasks included keeping the peace. While the number of wards varied over time, they were reduced to four around 1748, so as to correspond more closely with parish boundaries. Head ward, for example, comprised the parishes of St Mary's, Holy Trinity, Lexden, parts of St Runwald's and St Giles.<sup>89</sup> The Municipal Corporations Act led to another boundary change, and a reduction to three wards which included parishes such as Lexden, Mile End, Greenstead, St Giles and Berechurch which were on the outer boundaries of the borough and described as out-parishes. In 1836 each of the three wards also elected its own alderman.<sup>90</sup> The 1841 census was also arranged by wards, sub-divided into parishes. All the sixteen parishes existed until 1897 when they became the single civil parish of Colchester.<sup>91</sup>

The most ancient tier of local government was the corporation which was described as exclusive, ineffective and corrupt.<sup>92</sup> Between 1742-63 the corporation had its charter suspended because of corrupt practices, but quickly resumed its old

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<sup>88</sup> Richard Dean Smith, *The Middling Sort and the Politics of Social Reformation: Colchester 1570-1640*, (New York, Peter Lang, 2004). [Hereafter Smith].

<sup>89</sup> Janet Cooper (ed), *The Victoria County History of Essex: The Borough of Colchester*, Volume 9, (Institute of Historical Research & Oxford University Press, 1994), p 232. [Hereafter VCH 9].

<sup>90</sup> *Essex Standard* 25 February 1836. Alderman Thorogood, Alderman Chaplin and Alderman Wilmshurst; the first two served on the watch committee, Thorogood in 1836 and Chaplin in 1837. Wilmshurst was a freeholder in the parish of St Mary-at-the-Walls who voted Liberal in the 1830 parliamentary election poll book. Colchester Watch Committee minutes 26 January 1836 & 23 November 1837. [Hereafter WCM].

<sup>91</sup> VCH 9 pp 230, 233.

<sup>92</sup> Brown p 38.



ways when its status was restored. The governing body comprised the mayor, aldermen and two grades of councillors. In 1834 the party profile was 48 Tories and two Whigs. In the enquiries preceding the Municipal Reform Act the commissioner sent to investigate Colchester faced major obstruction from the mayor and other officials. He complained that it had been the least satisfactory enquiry he had ever made.<sup>93</sup>

Parliamentary elections in Colchester were often corrupt and it was accepted that candidates would 'treat' potential voters. 'The way to the hearts of the burgesses ... is their throats' wrote the *Colchester Gazette* in 1825.<sup>94</sup> Before 1835 the corporation was said to have had few duties, the most expensive being the suppression and punishment of crime in collaboration with the borough's magistrates.<sup>95</sup> While Arthur Brown implies that unpaid constables were appointed by each of the borough's sixteen parishes there are few surviving details of the men or their duties.<sup>96</sup> One exception is St Botolph parish which has a few early nineteenth-century constables' records, including expenses incurred by Thomas Fisher over three days in May 1814 when he went to London to collect a prisoner.<sup>97</sup> Nothing is known about Thomas Fisher or how long he served, but in April 1827 the Colchester petty sessions was asked to appoint a third constable for the same parish, which suggests that Fisher must have had a colleague. Of the three alternatives proposed, the man selected was James Appleby Neville, later to become superintendent of the borough police.<sup>98</sup>

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<sup>93</sup> Ibid. p 42.

<sup>94</sup> Quoted by Brown p 74.

<sup>95</sup> Ibid. p 38.

<sup>96</sup> Ibid.

<sup>97</sup> The total expenses for the trip came to £6. 5s 1d, including 11 shillings for the outgoing coach, 3 shillings for bed and breakfast and 2 shillings for expenses on the road. (ERO D/P 203/9/1).

<sup>98</sup> ERO D/P 203/8/3. At that time Neville was about thirty-six. The 1841 census describes him as a fifty-year-old cordwainer living in St Botolph's Street. It is almost certainly his son, aged twenty-five and also called James A Neville, who is listed as a cordwainer in nearby Queen Street.



While there are few records of parish constables before 1835, there is some evidence of petty constables in wards after the borough boundaries were adjusted in 1748. In 1763 the borough justices instructed petty constables to make a return of those who had committed a range of offences which included felony and the keeping of disorderly alehouses. The only surviving details refer to constables John Gowers and Thomas Payne of St Martin's parish. Gowers was illiterate.<sup>99</sup> Between 1820 and 1826 each ward had its own grand jury, petty jury, high constable, and two petty constables. There were also four sergeants-at-mace who were chosen by the freemen of the borough.<sup>100</sup> The names of the sergeants were the same throughout the six year period.<sup>101</sup>

Six years hardly represents a realistic sample, but between 1820-26 it was usual for the constables in each ward to change annually. However Byam Hewes in north ward served in 1824 and 1825, albeit with two different colleagues, while Daniel Fenner Bacon in east ward served between 1824-26.<sup>102</sup> John Duvall was the high constable in head ward between 1820 and 1826, and in 1825 a Peter Duvall was a petty constable for the same ward, although it is not known if they were related.<sup>103</sup> Nothing is known of the status of John Duvall or his colleagues, although a Peter Duvall was involved in the cloth industry and was an enthusiastic supporter of the Liberal minority in Colchester politics.<sup>104</sup> Smith's research concluded that in his period of study (up to 1640) head constables in the borough were of a higher social class

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<sup>99</sup> ERO D/B 5/Sr 208.

<sup>100</sup> VCH 9 p 166.

<sup>101</sup> ERO D/B 5/Sb 6/10.

<sup>102</sup> There is a thirty-year-old weaver named Daniel Bacon in the 1841 census living with his family in Wire Street, St Botolph's parish. This may be his son. Byam Hewes is a miller in White 1848, p 104.

<sup>103</sup> ERO D/B 5/Sb 6/10. In the Colchester poll book for the 1830 election there are two men called Peter Devall, one in East Hill and one in East Stockwell Street, and a Peter Taylor Devall and a John Devall with no addresses given. Their relationship is not known.

<sup>104</sup> Smith p 78.



than the petty constables, although that did not apply to the rest of Essex. The situation could, of course, have changed significantly over the following two centuries. Traditionally there was close co-operation between Colchester and the county administration. In the eighteenth and nineteenth centuries borough magistrates held their courts at the Moot Hall in the town centre, while the county magistrates sat at Colchester Castle, less than five minutes walk away.<sup>105</sup> The county house of correction was also within borough boundaries in what is now called Ipswich Road.

Customarily Colchester was represented in Parliament by two Tories, but in the early nineteenth century Liberals were popular, even though many of their supporters could not vote until after 1832. Although he lived in London, Daniel Whittle Harvey was a locally-born lawyer encouraged by both out-of-town and local voters to contest one of the seats as a Liberal. Harvey was popular and influential in local affairs, and won the seat in 1818 and 1826 before losing the poll in 1835.<sup>106</sup> His influence seems to have continued, as the first borough council election after 1835 was narrowly won by the Liberals. The Liberal party included newly-enfranchised ratepayers from amongst the shopkeepers, professional men and master artisans of the town whose properties were rated at least £10 a year; many of them were also nonconformists.<sup>107</sup> The elected corporation comprised eight Tories and ten Liberals, but to increase their narrow majority the Liberals elected six Liberal aldermen, and replaced the mayor, salaried town clerk, chamberlain, treasurer, and town sergeants with their supporters. Liberal nominees also became JPs, and were given jobs such as the clerk of the peace and coroner.

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<sup>105</sup> After the moot hall was razed to the ground a new town hall was opened in 1844 on the same site. White 1848 p 74, and Brown pp 73-89.

<sup>106</sup> Brown p 78.

<sup>107</sup> VCH 9 p 209.



The Municipal Corporations Act gave a watch committee jurisdiction over policing throughout its borough. The police chief (whatever his title) was merely 'its superintending or executive officer' with authority over all existing constables, whether they had been appointed by the borough or by individual parishes.<sup>108</sup> Clearly there were constables being appointed by individual parishes and wards before 1835, although there are few surviving records. Mile End parish is an exception; William Groves was appointed constable in 1826 and an identically named man was appointed again in 1836.

At the initial meeting of the watch committee on 26 January 1836 members decided to ask the attorney general for clarification about its powers to appoint and pay constables. As no response had been received by the next scheduled meeting the committee decided to go ahead and appoint twenty constables under the 1835 Act.<sup>109</sup> While fourteen were processed at the first meeting they did not represent all of Colchester's sixteen parishes. Four, for example, were from St James', one from Lexden, two from St Nicholas', and one from Holy Trinity. On 11 February 1836 three more men were sworn in, one each from the parishes of St Giles, St Mary Magdalen and Holy Trinity. At least four men declined appointment, while two more were declared unfit by the surgeon from the borough gaol.<sup>110</sup> In addition, the three existing town sergeants and James Appleby Neville of St Botolph's (who was designated

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<sup>108</sup> Evidence given to the 1855 Select Committee and quoted by David S Wall, *The Chief Constables of England and Wales*, (Ashgate, 1998), p 30.

<sup>109</sup> While the minutes do not specify why the attorney general was being consulted, one query may have concerned the watch committee's rights to appoint and pay constables when a concurrent power (such as a parish) had similar rights.

<sup>110</sup> The *Chelmsford Chronicle* for 12 February 1836 records 'twenty individuals' being elected as the new borough police force and examined by the surgeon. As well as giving its recruits medical examinations, constables' health was also monitored. In December 1840 two men were found to have defective eyesight. One was excused further night duty because his vision was unlikely to improve. The second was laid off until the doctor certified his sight had improved. While sick pay was not usually paid it was granted occasionally, for example in the case of Superintendent Kent who was taken ill in 1853 with 'mental and bodily illness'.



superintendent) were also attested. Without a complete series of records it is not possible to say what previous experience each man had, although as noted above, James Appleby Neville had been the parish constable of St Botolph's in 1827.<sup>111</sup>

Reassured by the attorney general's reply, the watch committee agreed that potential constables should be between twenty-five and forty, and at least 5 feet 6 inches tall, except for the town sergeants and superintendent. The superintendent was to be paid one guinea a week and each constable seven shillings. All applicants were medically examined, and each recruit was provided with a uniform comprising a double breasted coat, oilskin cape and truncheon in time for the start date of 25 February 1836. The men were divided into two sections, one working from 8pm to 1am from Michaelmas to Lady Day, and the other from 9pm between Lady Day to Michaelmas. The second section was to work from 1am to 5am or 6am according to the season. The two groups changed shifts on alternate weeks. What was described as 'the day police' allocated each constable to a beat in one of the wards, as directed by the mayor.<sup>112</sup>

On 8 March 1836 the watch committee agreed to meet every Thursday morning to hear complaints against constables and attend to general business.<sup>113</sup> While few references were made in the minutes to the cost of the force, there were certainly comments at the meeting on 22 February 1836 when it was announced that the estimated cost of the force was £600. During the ensuing debate there were interjections of 'No, no, not £600,' from some councillors.<sup>114</sup>

As the paid superintendent it was James Appleby Neville's duty to ensure that

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<sup>111</sup> ERO D/P 203/8/13. While it appears that there was a distinction between the two sorts of constable there is not enough evidence to make a firm decision.

<sup>112</sup> WCM 3 February 1836.

<sup>113</sup> WCM 8 March 1836.

<sup>114</sup> *Essex Standard* 25 February 1836.



the watch committee's regulations were promptly obeyed. He also supervised the night constables, and attended all fires. Neville was expected to give his men direct instructions, and show a clear distinction between watchmen and constables by ensuring that none of them called the hours or carried a lantern on their beats. That instruction was varied in March 1837 when constables were instructed 'to cry the hour at the beginning and end of their duty [although] it shall only be "past 8" or "past 5" and no more.'<sup>115</sup> This may have been a response to public opinion.

New constables were quickly issued with full written instructions, something which did not happen so quickly elsewhere. Cases of drunkenness, gaming, unlicensed pedlars and prostitutes had to be reported to the mayor, magistrates or superintendent. Licensees whose premises were found open after hours had to attend the watch committee meeting before proceedings were taken.<sup>116</sup> Regulations for innkeepers were printed in the local press with copies being sent to each licensee. Those who did not respond to warnings about their behaviour would find the town clerk opposing renewal of their licences at petty sessions.<sup>117</sup> Another example of Colchester's well-organised approach was the introduction of supernumerary constables who acted as reserves and were used to fill gaps in manpower until well into the nineteenth century. On 13 March 1836, for example, Edward Nice aged thirty-seven of St James' parish, was appointed a supernumerary constable as John Hyam, (previously a supernumerary) had been appointed to the regular force.<sup>118</sup> Men in the

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<sup>115</sup> WCM 9 March 1837.

<sup>116</sup> Although the new borough police were not scheduled to start duty until 25 February 1836, the *Chelmsford Chronicle* for 12 February 1836 suggests that the existing constables were still operating as it records that on 8 February 'one of the constables of the borough' was a witness in a theft case, and the sergeants-at-mace had given evidence of making arrests for drunkenness.

<sup>117</sup> WCM 1 December 1836.

<sup>118</sup> The 1832 poll book shows Edward Nice as having voted for the reformer Daniel Whittle Harvey. It also shows that Nice was a freeholder otherwise he would not have had a vote before the Reform Act was introduced.



regular force occasionally reverted to supernumerary status, although the reasons are not clear.<sup>119</sup>

While the officers of the embryo force appear to have been selected initially by their parish officials, it was the watch committee which confirmed appointments, paid wages, and had the power of dismissal. It is not clear whether dismissal from the borough force precluded men from being parish constables. Although force expenses were not mentioned directly in the committee minutes, there was a severe financial problem in borough administration because of the irregularities of the pre-1835 unreformed corporation. The sale of a granary and wharf at the town's port had raised £600, but it had been frittered away on dinners, wine, and protesting about the Municipal Corporations Bill. Other unpaid debts were also outstanding.<sup>120</sup> Hints of what was to come appear in the watch committee minutes from January 1837 when the number of constables was reduced to eight, and these had to work every night for 10 shillings a week. Permission was sought from the Treasury to sell land to finance running costs, and at the same time the corporation levied a rate of 9d on a rateable value of £19,058, in theory raising £715, although it lacked powers to raise rates for retrospective expenses. Despite the financial problems local pride was such that the corporation agreed to issue the force with clothing 'similar to the London Police', and agreed not to accept the lowest tender from potential suppliers.<sup>121</sup>

### ***A Change In Policy For Colchester***

There is a gap in the watch committee minutes between May and 23 November 1837. When they resume it is apparent that there was a change in policy and personnel. Colchester electors, lacking confidence in the Liberal council's ability to put the

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<sup>119</sup> WCM 9 March 1837.

<sup>120</sup> VCH 9 p 209.

<sup>121</sup> WCM 5 January 1837



borough finances on a secure footing, had returned a Conservative majority which raised a rate of 6d on a reassessed rateable value of almost £45,000 (in theory raising £1125), and managed to balance the accounts.<sup>122</sup> Only one member of the original watch committee survived in post, but the new chairman was Alderman John Chaplin who was a Liberal.<sup>123</sup>

The borough force was not exempt from cost-cutting, and a sub-committee was instructed to plan a professional force with reduced numbers. Recommendations accepted by the watch committee included a return to 'ancient usage' with each vestry appointing its own constables who were then sworn in by borough magistrates. When that was achieved, the number of full-time constables was reduced to six, and the three town sergeants were sworn in and ordered to patrol their wards as well as attending to borough court business. The superintendent was declared redundant and supervision was undertaken by a constable designated as watch sergeant. He was to be paid 16 shillings a week, while each of the six constables received 14 shillings. Two of the redundant constables were appointed as supernumeraries, so they could be called on at short notice. Fifteen other men were placed on a reserve list.<sup>124</sup>

The new arrangements needed a 'partnership agreement' with the borough's rural parishes, whose churchwardens were invited to attend the next watch committee meeting to reveal their own plans for part-time policing. The Lexden churchwarden, for example, selected two men to patrol on Saturdays and Sundays at wages of 4s 6d each. The Mile End churchwardens nominated Daniel Bacon to patrol on Saturday evenings and all day Sundays,<sup>125</sup> while the Greenstead churchwarden paid John

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<sup>122</sup> VCH 9 p 210.

<sup>123</sup> WCM 23 November 1837.

<sup>124</sup> WCM 6 December 1837.

<sup>125</sup> This may have been the same man who was an east ward constable in 1824 and 1826. (ERO D/B 5/Sb6/10).



Sandal (one of the first borough constables) to patrol on Sundays.<sup>126</sup> Each selected constable was appointed a supernumerary and sworn in. The parish of Mile End in particular must have been pleased by the move, because on 17 March 1836 its residents had accused the watch committee of depriving them of their own constables. Parish officials were especially irritated about having to pay for new policing arrangements without controlling their own constables. Clive Emsley has drawn attention to similar sentiments being echoed by parishes in London when the Metropolitan Police was being established.<sup>127</sup> Colchester's town clerk pointed out that the watch committee was legally obliged to appoint and pay constables, but reminded Mile End vestry that it could still reinstate one of its old constables under the watch committee's authority as long as the parish was prepared to pay his expenses.<sup>128</sup> It is not clear whether they did so.

It has been difficult to identify the political ramifications which resulted from the restructuring of the borough force, although in April 1838 the mayor reported that some magistrates were complaining of 'the want of sufficient police officers' especially in rural areas. Two months later there were three letters of complaint about police inefficiency, one of them from Alderman John Thorogood, a member of the original watch committee, who may have been seeking ways to criticise the new administration. Complaints were treated seriously. The town sergeants, although subordinate to William Rand the new watch sergeant, were given more patrolling duties, and five supernumeraries were employed every weekend to monitor the outer parishes.<sup>129</sup>

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<sup>126</sup> WCM 3 February 1836.

<sup>127</sup> Emsley, *English Police*, p 26.

<sup>128</sup> ERO D/P 410/8/1.

<sup>129</sup> WCM 19 December 1838.



Most prosecutions seem to have been instigated by the town clerk. This was the case, for example, when serious injuries were caused to police officers on duty during a riot in May 1836.<sup>130</sup> However, when the watch sergeant was assaulted on duty in June 1840 he was told to take out his own prosecution, as were Mile End churchwardens when they complained about Sunday trading. By November 1844 the prosecution policy changed. When Constable Cardy laid his own information for an offence of drinking after hours, all the constables were told it was highly improper for them to lay informations under their own initiative. They were instructed that in future permission must be obtained from a JP or the watch committee.<sup>131</sup>

In April 1841 serious allegations were made against William Rand, the watch sergeant, about the way he had detained some children. When challenged Rand agreed he had been wrong but hoped the committee would be lenient. It was not, and he was dismissed. Policing the rural parishes was one of the first priorities for Abraham Kent, the new sergeant. He was allowed to try his system of making constables patrol some of the out-parishes every night, even though most of the committee thought there should be separate and clearly defined beats for each constable.<sup>132</sup>

Encounters between county and borough constables must have occurred when differences in pay scales were discussed. Such an encounter could have given extra confidence to Inspector Benjamin Firmin when he requested a pay rise in February 1853. The making of such a request shows a rising self-awareness of status

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<sup>130</sup> *Essex Standard* 16 May 1836.

<sup>131</sup> WCM 12 December 1840.

<sup>132</sup> Although there is no record of a formal change of title for the supervisory police officer, Kent starts being referred to as the 'superintendent' from this point onwards. (WCM 25 October 1841). In the 1849 election for borough councillors, Abraham Kent voted for the two Conservative candidates, one of whom lived in Alresford and the other in the town centre. (ERO printed list of Poll of Town Councillors, 1849).



among police officers. Although Firmin had been in the borough force for nearly 17 years he still earned only 18 shillings a week, and plaintively justified his application because 'it was necessary to keep up my position above the men under me that I should carry myself as their superior.'<sup>133</sup> Firmin's pay was increased to £1 a week, but two months later all the constables applied for a pay rise because the high price of food made it hard to keep themselves and their families 'in the sort of respectability which officers in our position are looked upon to do.' The watch committee agreed that borough police wages were lower than the basic grade of county constable, but granted no general pay rise at that time.<sup>134</sup>

Superintendent J Dunn became head of the force in January 1854 after Kent was committed to the county mental asylum with a 'permanently diseased brain.'<sup>135</sup> Dunn had served in the Norwich borough police and quickly made changes. Separate occurrence and lost property books were introduced, as well as a practical uniform with metal ornaments and numbers instead of lace. Initially Dunn seems to have enjoyed a different sort of relationship with borough magistrates and the watch committee, and in August 1855 he was asked to make a detailed report on the state of the force.<sup>136</sup> This is an interesting variation on Andrew Barrett's observation that in Cheshire fresh negotiations took place every time the chief officer changed - especially when the replacement had served elsewhere - and that watch committee control varied with its members' willingness to cede control to officers they could

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<sup>133</sup> In 1853 Firmin was about forty-seven years old. In the 1841 census he is described as a police officer aged thirty-five, living with his family in Water Lane, Lexden, one of the borough of Colchester's out-parishes.

<sup>134</sup> WCM 14 June 1853.

<sup>135</sup> WCM 15 Jan. 1854.

<sup>136</sup> WCM 7 August 1855. Dunn reported the force was working well except in the outlying parishes, and that there were two constables who were unfit for duty, one being sixty-seven and the other illiterate. Pc White was pensioned off, but Pc Hatch remained.



trust.<sup>137</sup> Dunn was clearly ambitious, only working in Colchester between 25 January 1854 and 14 December 1857<sup>138</sup> before becoming head of the Swansea police, and finally of the Preston Borough force.<sup>139</sup>

Colchester watch committee was one of the many which petitioned against the County and Borough Police Act of 1856.<sup>140</sup> The Act aimed to provide an efficient and compulsory police force for every county and borough, ensuring that substantial finance was available for forces which passed a government inspection. Colonel Cartwright, HMI, made his first official visit to Colchester on 1 November 1856. He was dissatisfied with the force size, the condition of its cells, and the lack of sergeants. The HMI also complained that Constables King and Hatch could not read or write.<sup>141</sup> To be eligible for grants, the watch committee decided to employ extra constables and another sergeant, and to introduce a new pay scale. Recruits were to receive 16 shillings a week and the sergeant 21 shillings a week, although Cartwright still considered the wages too low.

The HMI tried to encourage Colchester to amalgamate with the county force because it would provide extra manpower. That statement annoyed McHardy, who had earlier told magistrates that when boroughs asked for help he responded reluctantly because they were outside his jurisdiction.<sup>142</sup> There were, however, several occasions when the county force helped Colchester, Maldon and Harwich to police elections. In his evidence to the Select Committee of 1852-53 McHardy recounted the

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<sup>137</sup> Andrew Barrett, 'The system of criminal justice in Cheshire 1820-75', (Unpublished PhD, Keele 1996).

<sup>138</sup> WCM 3 March 1857. During that time Dunn was short-listed for Yarmouth Borough Police.

<sup>139</sup> Martin Stallion & David Wall, *British Police: Police Forces and Chief Officers, 1829-2000*, (Police History Society, 1999).

<sup>140</sup> 19 & 20 Vic cap 69. WCM 19 February 1856.

<sup>141</sup> WCM 4 November 1856. However Hatch was still in the force in February 1858. Four of the applicants in 1859 were turned down because they were illiterate.

<sup>142</sup> WCM 11 December 1856.



occasion when he had taken 120 men to police an election at Colchester, and could have employed even more.<sup>143</sup>

Within three months some of the changes recommended by the HMI were made, apart from amalgamation. Two extra sergeants were employed, and the town sergeant was placed under the superintendent's control but only when the mayor did not need him.<sup>144</sup> A force of 22 men was considered adequate for a population of around 20,000.<sup>145</sup> Co-operation with the county force improved and, by the next HMI report in December 1857, Colchester was declared efficient in size and disciplinary standards.<sup>146</sup> The borough force was declared efficient just in time to deal with the troubled period which followed the expansion of Colchester garrison from 1856.

Colchester had a long association with the army though. Many men who had completed their regular service with the colours from the 1840s remained in the area, and some had agreed to serve as reservists for a specified period.<sup>147</sup> Some of them were appointed as supernumerary constables in the borough force from as early as April 1847.<sup>148</sup> After the expansion of the garrison an influx of soldiers, camp followers and three militia regiments caused many public order problems. In October 1856, for example, frequent night brawls involving soldiers took the borough police away from their regular duties and thus led to even more complaints from parishes on the outskirts of Colchester.<sup>149</sup> It was a long time before an acceptable dialogue evolved between the military and the borough police authorities. Compromises were made by

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<sup>143</sup> [751] HC (1852-3) XXXVI, para. 753.

<sup>144</sup> WCM 3 March 1857.

<sup>145</sup> According to the 1851 census.

<sup>146</sup> WCM 14 December 1857.

<sup>147</sup> A F H Robertson, 'The Army in Colchester and its influence on the social, economic and political development of the town, 1854-1914', (Unpublished PhD., University of Essex, 1992), p 268. [Hereafter Robertson].

<sup>148</sup> WCM 7 April 1847.

<sup>149</sup> WCM 1 April 1856.



the army, including an agreement to send a military picquet<sup>150</sup> when police needed help with problem soldiers. However, after one picquet took more than one hour to arrive, it was decided instead to build a watch house in the town, where soldiers from the garrison could be available at particular times to help the police deal with troublesome military personnel.<sup>151</sup>

### **Conclusion**

One important clause of the Municipal Corporations Act of 1835 included the requirement to put all borough policing under one authority - that of the watch committee - an obligation that was met promptly by all the Essex boroughs. Emsley has suggested that, while not all English boroughs were well policed in the early 1830s, the situation was probably not as bad as has been supposed.<sup>152</sup> This chapter has shown that while pre-1835 policing in the Essex boroughs certainly existed, there is insufficient evidence to comment upon its effectiveness. The subsequent rate of change in those boroughs after 1835 was also variable, and most cannot be considered even moderately efficient until after 1857.<sup>153</sup> This supports Hart's view that most changes in boroughs were made gradually.

Hart pointed to the impossibility of estimating how many police were at work in boroughs before 1835, and these Essex examples also illustrate the difficulties.<sup>154</sup> In the absence until after 1857 of reasonably reliable crime statistics, a study of this nature is very much dependent upon the existence of relevant local archives. The survival and accessibility of such records has been variable. Few documents with

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<sup>150</sup> Picket (or picquet), a small detached body of troops (or an individual) sent to watch for the enemy approach. *Shorter OED* p 1496.

<sup>151</sup> WCM 15 October 1860.

<sup>152</sup> Emsley, *English Police*, p 36.

<sup>153</sup> Hart p 421.

<sup>154</sup> *Ibid.*



details about constables in operation before 1835 survive in any of the four Essex boroughs, and although each has some watch committee minutes extant they vary considerably in content and accessibility. Some use has been made of local newspapers, but their reports of incidents any great distance outside Chelmsford and Colchester were spasmodic, and reinforce the view of the unreliability of newspapers as a basis for judging police effectiveness. The publicity-minded first chief constable of the county force was exceptional in encouraging a regular liaison with Essex newspapers, so they would print details of the new force's activities and thus help to justify the increases in local rates.

In considering how and why the Essex borough forces operated as they did, one of the first considerations must be the differences in size. To get a very rough indication of the relative wealth per head in 1841, and consider whether it could have been a factor in influencing changes to policing methods, the figures in Table 6.3 below have been obtained by dividing the total rateable value of each borough by its population figure.

**Table 6.3 Relative 'Wealth' of boroughs per head in 1841<sup>155</sup>**

Colchester	£3.39	Maldon	£3.95
Harwich	£2.41	Saffron Walden	£4.56

Comparing the potential rates 'pool' available for local needs seems a valid way to get some sense of the relative wealth of each borough. A simple comparison of the population figures (pop.) acreage (a) and rateable values (rv) of the boroughs in 1841 makes it clear that Colchester had by far the largest 'pool' even if it was not the richest on a *per capita* basis.

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<sup>155</sup> Figures based on information in White 1848.



**Table 6.4 Comparisons in Population Rateable Value and Acreage for Boroughs in 1841**<sup>156</sup>

Colchester	17,790 pop.	£60,313 rv in 1841	11,770 a
Saffron Walden	5,111	£23,328	7380
Maldon	3,967	£15,697	2715
Harwich	3,829	£9,234	2060

By the nineteenth century Colchester was a prosperous market town, and the business and cultural centre for a large rural area. Apart from a few years when it returned a Liberal MP, the borough was predominantly Tory. Local patriotism and civic pride was strong, and such feelings had a visible expression in new buildings such as the town hall, which was built in 1844 when the borough force was in its infancy. Because the population and heavy industry expanded gradually after the cloth industry declined, Colchester avoided some of the social problems that fast expansion usually produced, and maintained its strong sense of local identity.<sup>157</sup> The impact of the army illustrates this. After the garrison was re-developed in 1855, the army had to adapt to Colchester's established structure and expectations, unlike Aldershot which grew up around its garrison.<sup>158</sup>

Apart from being the only full-time borough force which was set up immediately after the 1835 Act, Colchester showed many differences in its approach to policing. Many borough councillors in the other Essex boroughs were Justices of the Peace *ex-officio*. This was not the case with Colchester, although it is not clear why. In January 1836, after the sudden death of a councillor, Alderman John Thorogood wrote to the *Essex Standard* saying that the replacement would not be made a JP because it had been agreed there would be no more than seven magistrates on the

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<sup>156</sup> Ibid.

<sup>157</sup> VCH 9 p 199.

<sup>158</sup> Robertson p 306.



corporation.<sup>159</sup> Consultation of the 1841 list of borough magistrates<sup>160</sup> shows that only four had served on the watch committee between 1841 and 1850. Colchester's records show several examples of JPs and their clerk complaining about poor policing on the outskirts of the borough, which underlines Hart's argument that the 1835 Act left magistrates with 'not very clearly defined powers' over borough police; something that often led to bad feelings.<sup>161</sup>

There may have been many reasons why Colchester was the only Essex borough to employ full-time paid constables after 1835. Although there can be no direct evidence, it seems likely that Daniel Whittle Harvey would have exerted some influence. Harvey was also Bishopsgate representative on the City of London common council, which would have made him aware of policing policy and methods even before he became the first Commissioner of the City of London Police in 1839.<sup>162</sup>

It is clear that Colchester had ward constables before 1835, as well as sergeants-at-mace primarily for civic occasions. However, as road communication between Colchester and London was good, belief in the now discredited theory of Chadwick that bands of criminals would be forced out of London may have been a factor for improving policing after 1835, especially as a railway link to London was proposed.<sup>163</sup> In the event the railway from London did not reach Colchester until 1843, after a whole series of 'moral panics' about problems caused by navvies. All such factors may have provided motives for strong policing, and a continuing commitment

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<sup>159</sup> WCM 20 January 1840.

<sup>160</sup> HO 90/1.

<sup>161</sup> In 1861, for example, two JPs not on the watch committee were refused access to the police occurrence book. Their letter of complaint to the Home Secretary suggested the book recorded evidence for possible proceedings, and by keeping it from them the 'watch committee and head constable can compromise, suppress or quash breaches of the peace ...' (WCM April 1861).

<sup>162</sup> Clive Emsley, 'Daniel Whittle Harvey', in *Dictionary of National Biography On-Line*, (Oxford University Press, 2004).

<sup>163</sup> Brown p 14.



to a full-time force in Colchester after the changes in local political balance in 1837.

While Saffron Walden, Harwich and Maldon complied with the 1835 Act and set up a watch committee and constables under their reformed corporations, there was no sense of urgency or much desire for change. Those forces merely appointed the existing parish constables under the new Act, and used the sergeants-at-arms for occasional patrols. The different ways in which each borough was policed seems to bear no correlation to its size, distance from Chelmsford or the rateable values of its properties. Although Colchester has been shown to have been the largest and most organised borough force, its distance from the county town (25 miles) is not a relevant factor. Saffron Walden made far more references to its distance from Chelmsford (27 miles) than Harwich which is 42 miles from the county town. Harwich had a similar population to Maldon in the 1841 census and covered a fairly compact geographical area, unlike the borough boundaries of Colchester and Saffron Walden which extended into the surrounding countryside for distances of up to five miles.

Hart has observed that the level of efficiency for borough forces was low until the mid-1850s.<sup>164</sup> If one defines a key element of 'efficiency' to mean full-time officers who were paid regular wages, then Colchester was the only Essex force which could be described as having been efficient. Although one of the many watch committees to petition against the 1856 County and Borough Police Act, Colchester was eventually persuaded to make the sort of changes the HMI recommended in order to qualify for the government grant. In 1867 this included a recommendation for the appointment in each force of two or more detective officers so that 'all great offences' could have an investigating officer 'unfettered by divisional duties'. While the county force did not take up that recommendation until 1888, Colchester borough force employed a

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<sup>164</sup> Hart p 421.



constable in plain clothes in 1867, promoting him the following year to detective sergeant.<sup>165</sup>

When the 1856 Act made the establishment of forces compulsory, government inspectors believed initially that the smaller borough forces would amalgamate voluntarily with their adjoining county forces.<sup>166</sup> Such a belief showed little awareness of the prickly sensitivities and acute sense of independence of some of the smaller boroughs like Harwich and Saffron Walden, and their dislike of centralisation. The fact that Harwich and Saffron Walden did amalgamate - more or less voluntarily - with the county force by 1857 is a tribute to factions within both boroughs who saw the benefits of being part of the county force. Nevertheless, some of them retained an active interest in how the county force was policing **their** boroughs.

Mention has been made of how the watch committee of Saffron Walden continued to meet from the time of amalgamation until 1924, and to receive information (with McHardy's authority) on how their borough was being policed.<sup>167</sup> Harwich watch committee also continued for some years after 1857, and regularly interfered in local policing matters. With a population of less than five thousand people, Maldon borough police retained its independence until the Local Government Act of 1888 made compulsory amalgamation a requirement for boroughs with less than ten thousand residents. No evidence has been found of Maldon's watch committee continuing to operate in a formal capacity. Colchester Police retained its independence until 1 April 1947 when it was amalgamated compulsorily with the

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<sup>165</sup> Scollan p 122.

<sup>166</sup> Hart p 425.

<sup>167</sup> D/B 2/BRL 4/60.



Essex Constabulary.<sup>168</sup> Its watch committee records cease at that point.

The evidence in this chapter suggests that there was no general pattern in the development of policing in the Essex boroughs other than that specifically required by law. The law required that a new body - the watch committee - should be created in all boroughs in England and Wales to supervise local police, but the style of policing was not specified. Watch committees did not always press for reformed police, and in many cases the changes were what Swift has called 'cosmetic', with constables continuing as part-time officers much as before.<sup>169</sup> Gradually professional police officers from established forces elsewhere were drawn in to command Essex borough forces, and this trend correlates with an improvement in effectiveness.

The details of post-1835 borough policing, however, show clearly that local people took full advantage of the fact that the police clauses of the Municipal Corporations Act were *enabling* rather than obligatory. Their response well illustrates a key theme of this thesis - that police developments were continually defined then *redefined* by the actual people involved.

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<sup>168</sup> Southend Borough Constabulary, created in 1914, was still operating independently until 1969 when it was compulsorily amalgamated with the then Essex County Constabulary. The resulting force became the clumsily named 'Essex and Southend-on-Sea Joint Constabulary.'

<sup>169</sup> Roger Swift, 'Urban policing in early Victorian England 1835-56,' in *History* Vol. 73, (1988), p 236.



## CHAPTER 7

### THE FINAL CHAPTER FOR PARISH CONSTABLES

'Annual income twenty pounds, annual expenditure nineteen pounds nineteen six, result happiness. Annual income twenty pounds, annual expenditure twenty pounds ought and six, result misery'.<sup>1</sup>

Any attempt to sum up the themes behind changing police practices in the mid-nineteenth century must take due notice of the significance of finance. Evidence collected in the course of this research suggests that the nineteenth century taxpayers of Essex were men concerned with real spending, rather than with the more abstract worries about erosion of local powers in favour of more centralised control. This concluding chapter will, therefore, combine some new material about costs with an examination of the broad range of events which eventually led to parish constables being supplanted by the county police. Some of the evidence presented to the 1852-53 Select Committee on the Police will be used as a framework for a discussion of the cost-efficiency arguments between the competing systems of policing, i.e. parish constables and county police.<sup>2</sup> The conclusions of individual chapters will then be reviewed before placing the whole thesis in the wider context of recent research.

With his previous experience in the Royal Navy and Coast Guard, and his evident political awareness, McHardy was clearly in tune with both national and local inclinations towards efficiency and cost-effectiveness. It could be said they were his driving force, since, as he put it -

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<sup>1</sup> Charles Dickens, *David Copperfield*, (Everyman's Library edition, 1991), p 175.

<sup>2</sup> However, McHardy told the Select Committee on Police in 1853 that he had not met any ratepayers who knew what policing was actually costing them. *Report of the House of Commons Select Committee on Police and Minutes of Evidence, 1853*. (Facsimile edition by Arno Press, 1971, para. 683). [Hereafter Select Com.]



I have ... [made] my leading object the producing of the required qualities at the least expense, that being the instrument solely used by its opposers to render it unpopular.<sup>3</sup>

By the 1850s a gradual improvement in the numbers and professional abilities of the new police had led to a decline in the use of parish constables, although they continued to be appointed. High constables were also still being appointed even though their responsibilities had dwindled to a few administrative duties, although there were a few exceptional men in that role who performed patrol duties and occasionally made arrests on their own account. (See, for example, individuals mentioned in Chapters 3 and 5). By the mid-nineteenth century the main duties of high constables were limited to compiling local jurors' lists and taking such lists to quarter sessions.<sup>4</sup> Even local rates were usually collected from June 1852 by the Guardians, and serious consideration was given at that time to abolishing the office of high constable, as its only remaining legal responsibility was acting as 'an honorary conservator of the peace, a privilege which the present class of high constables would decline'.<sup>5</sup> However, both parish and high constables continued to be appointed for at least another decade. The last high constable appointed seems to have been for the Witham division in January 1865; the role was finally abolished in January 1870 under the High Constables' Act of 1869. Parish constables meanwhile continued to be appointed - albeit with dwindling responsibilities - until an Act of 1872 declared their further existence unnecessary. However, a few courts leet continued to appoint constables until just before the First World War, but their responsibilities were minimal

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<sup>3</sup> Select Com. para. 683.

<sup>4</sup> ERO Q/SO 40 p 47.

<sup>5</sup> ERO Q/CP 11.



and had nothing to do with law enforcement.<sup>6</sup>

The adoption of the 1839 County Police Act by Essex magistrates in quarter sessions was a voluntary decision. Under the Act, six months notice to the Home Office could have returned Essex entirely to the old system of 'entrepreneurial policing' (see Chapter 3). A majority of only seventeen magistrates voted in favour of establishing a county force, so right from the start McHardy was aware of potential opposition and thus the need to keep costs down. He made strenuous attempts to do so by giving his officers as many duties as possible, including acting as inspectors of weights and measures and as assistant relieving officers. The 1842 debates on whether to expand or abolish the county force reinforced the need for economy, so when the county started to build more station houses (some with courts attached), McHardy even planned them as 'desirable residences' in case the force was disbanded, which suggests that the chief constable may have seriously considered that even after thirteen years the county force was still in danger of being disbanded. The buildings were a valuable county investment, and McHardy told the select committee in 1853 that -

I have arranged them so, that if the police should be disbanded at any time, they will make ... delightful dwellings. Some are built in the Elizabethan style affording the greatest accommodation and convenience at the least expense...<sup>7</sup>

The research for this thesis has led to some surprising conclusions about the continuing use of parish constables alongside county police officers, though perhaps at 'grass roots' level this co-operation was not always enthusiastic. Even though Essex was one of the pioneer county forces with a dynamic chief constable and a significant number of reform minded magistrates, it still recruited parish constables

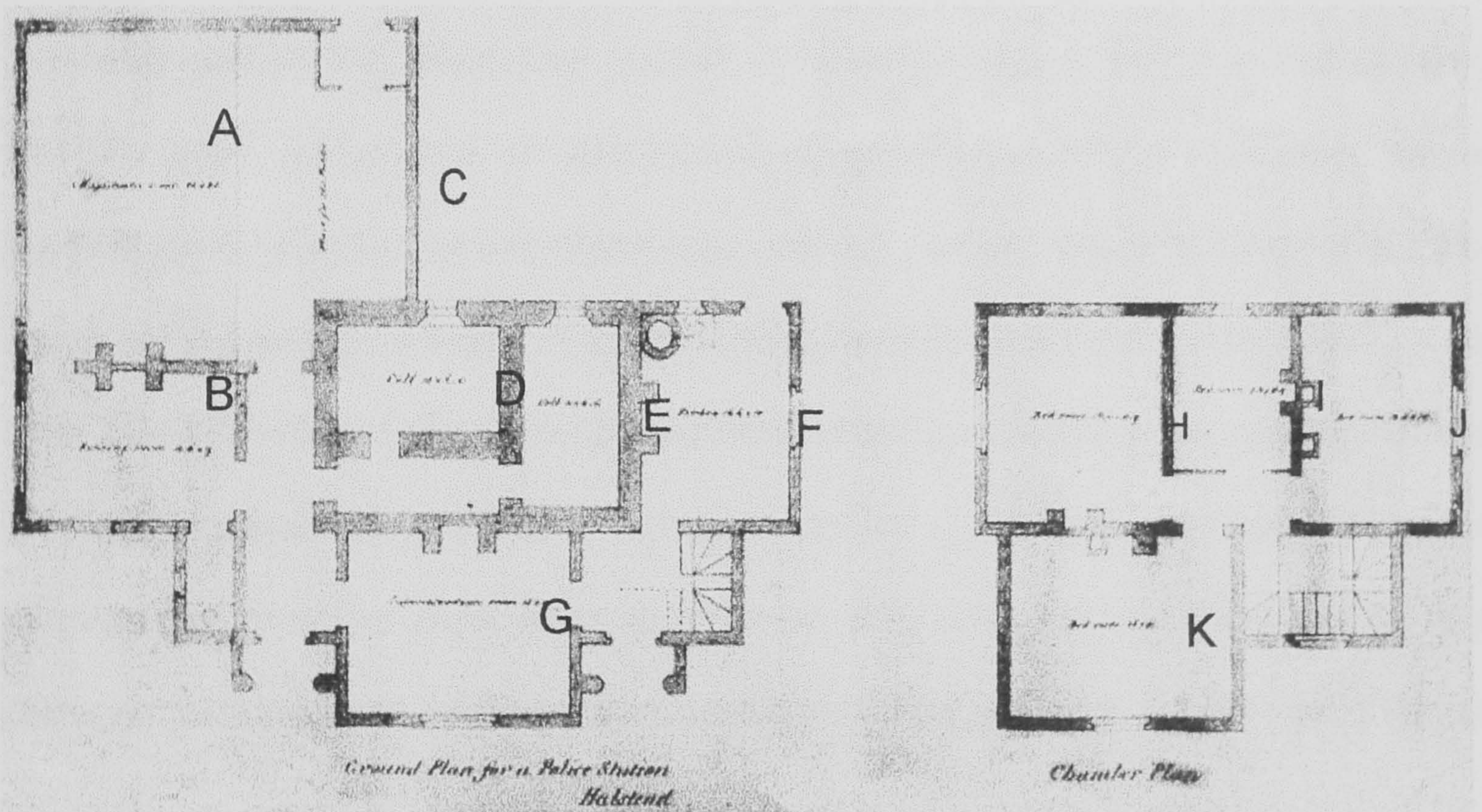
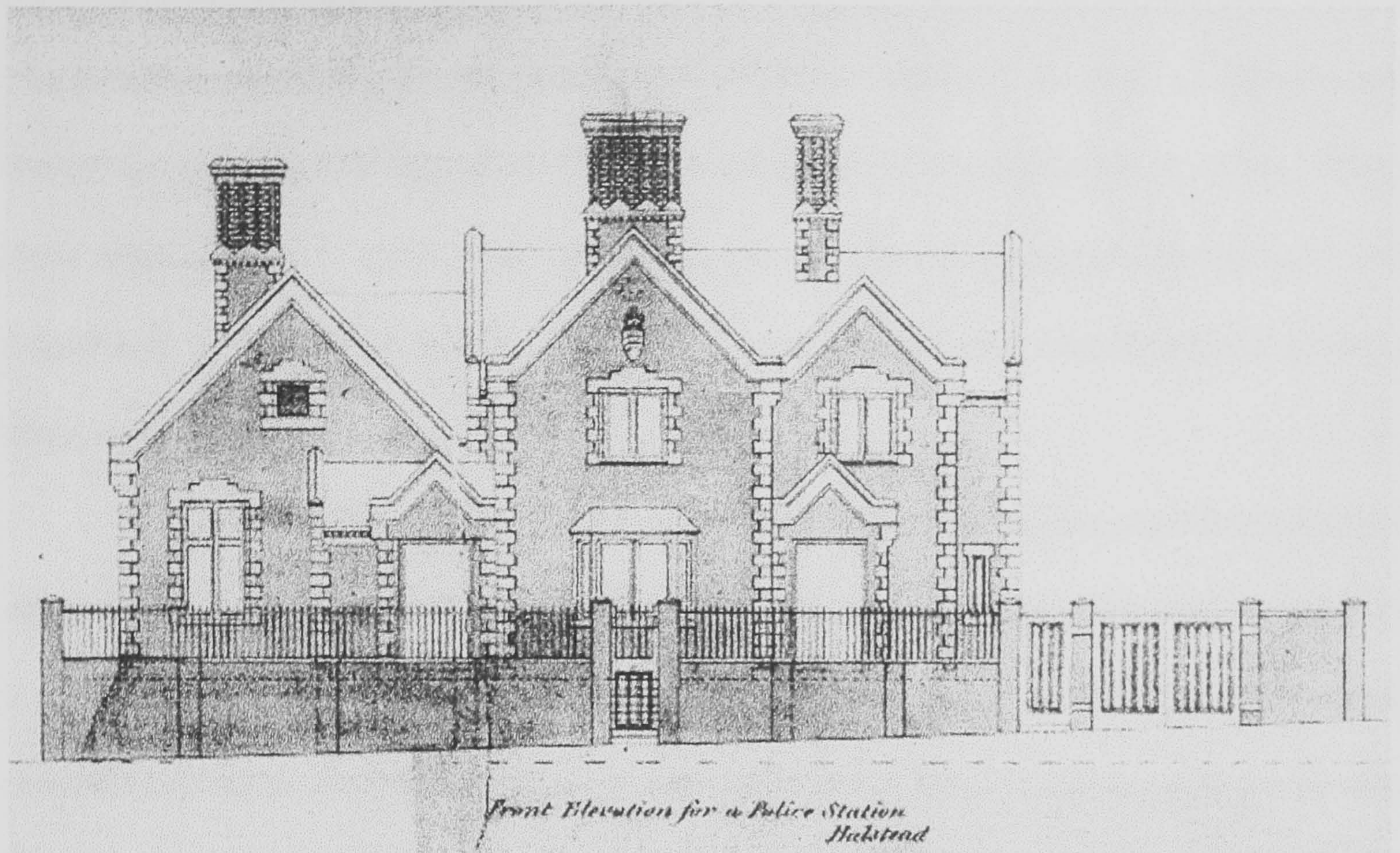
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<sup>6</sup> See Chapter 3 for study of Writtle.

<sup>7</sup> Select com. Para. 3394. See overleaf for the architect's plans for Halstead police station, dated 1851.



## 'Delightful dwelling' - Halstead police station and court



- A - magistrates' court 26ft by 20ft
- B - retiring room 14ft 6in by 9ft
- C - area for the public
- D - cell 11ft by 6ft
- E - cell 11ft by 6ft
- F - kitchen 12ft 6in by 10ft

- G - superintendents room 15ft by 11ft
- H - bedroom 12ft 6in by 11ft 9in
- I - bedroom 9ft 3in by 10ft 2in
- J - bedroom 12ft 6in by 10ft
- K - bedroom 15ft by 11ft 2in

ERO Q/APp15 plans dated 1851. Building opened c1854.



and, at chief officer level, thought them essential - for legal reasons - for at least the first twenty years of the 'new police'. Few even of the more critical academic historians of nineteenth-century policing appear to have fully appreciated just how much the early county forces relied upon parish constables. Fewtrell Clements' recent thesis on policing Denbighshire further supports such an assertion by observing that, here also, the chief constable relied heavily on the co-operation of the 'old' police, especially in the early years when manpower levels were insufficient to police the large rural areas.<sup>8</sup>

Some initial attempts to encourage county constables and parish constables to work together in Essex were actively discouraged in 1841 after JPs had 'a variance ... in the appointment of constables due to increased expense'. In consequence magistrates were requested to use police constables on all occasions in preference to parish officers.<sup>9</sup> But this policy was not always adhered to, the Braintree area being one example of this. Moreover, parish constables appear to have had continuing specific legal obligations for administrative activities such as executing bastardy warrants and collecting government data. Indeed, the use of Police Constable George Sams for a bastardy enquiry in June 1840 generated a letter of protest. At the same time, the *Chelmsford Chronicle* published a letter from a Braintree solicitor objecting to civil process being carried out by a police constable. McHardy's response emphasised that his men were already on duty and receiving wages, so it was cheaper to use them rather than parish constables who would need to claim

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<sup>8</sup> Fewtrell Clements, 'The Development and Aims of the Denbighshire Constabulary in the Nineteenth Century and an Assessment of how Successful they were in Achieving their Objectives,' (Unpublished PhD thesis, Open University 2004), p 332.

<sup>9</sup> ERO Q/SBb 545/95.



expenses.<sup>10</sup>

The 1842 Parish Constables Act was seen as an alternative way of improving local policing by allowing the appointment of professional police superintendents to supervise parish constables. Magistrates had to draw up lists of suitable men who were required to be ratepayers aged between 25 and 55 years, fit and of good character. Such men could be paid from the poor rate.<sup>11</sup> The Act was employed in Essex to increase police manpower cheaply and assist the under-resourced county force in producing the desired 'sufficient effect'.<sup>12</sup> This is confirmed by evidence given by Nathaniel Barnardiston (chairman of quarter sessions) in 1853. He told the Select Committee that a decision to appoint the best men available as parish constables had been taken so that they might 'act with the then existing force'. Initially the decision was popular. Between six and seven hundred men came forward in the first surge of enthusiasm, many of them being farmers and professional men. But the numbers soon dwindled and replacements were difficult to find.<sup>13</sup> McHardy's evidence to the same committee suggests (albeit with hindsight) that he may not have agreed with the decision of quarter sessions to use the Act. He explained that while his opinion had been sought, 'I unhesitatingly said it would be the most inefficient and the most expensive mode that could be adopted'. Since the idea was so popular, however, he thought public opinion should be respected.<sup>14</sup> Such an assertion by McHardy, with the stress on cost, appears consistent with some of his other pronouncements on the need for a professional police, and for a rapid decline in the number of parish

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<sup>10</sup> Maureen Scollan, *Sworn to Serve*, (Phillimore, 1993), p 15. [Hereafter Scollan].

<sup>11</sup> Clive Emsley, *The English Police*, (Harvester Wheatsheaf, 1991), p 45. [Hereafter Emsley, *English Police*].

<sup>12</sup> Select Com. para. 3587.

<sup>13</sup> *Ibid.* para. 3588.

<sup>14</sup> *Ibid.* para. 791.



constables. But one suspects that McHardy was in touch with local political feelings and was to be regarded, therefore, as a pragmatist.

With the continuing appointment into the 1850s in places such as Halstead of parish constables who were expected to be active, some JPs questioned whether county constables could lawfully carry out certain specific duties. In December 1850, for example, police constables were still serving summonses and executing warrants for bastardy offences, and an unnamed policeman from Braintree claimed expenses of 8s 4d for a thirteen-hour day travelling by train to Islington to execute such process. Later the same month one of his colleagues spent eight shillings on a rail fare when executing a bastardy warrant in Romford.<sup>15</sup> The claims for reimbursement of these expenses went for authorisation to the magistrates in quarter sessions, where concern was expressed at the cost.

But JPs were also concerned about the legal implications of such duties being carried out by county constables, and resolved to seek counsel's opinion. The Clerk of the Peace summarised magistrates' deliberations for the benefit of a barrister named Hawkins who was based in London.<sup>16</sup> The difficulties centred on the responsibilities of, and various restrictions upon, constables appointed by the Acts of 1839 and 1840<sup>17</sup> and parish constables appointed under the 1842 Parish Constables' Act.<sup>18</sup> Under the 1842 Act suitable men living in a specified parish and having property taxed at £4 a year or more were eligible to serve as parish constables. However, under Section VI of the 1842 Parish Constables' Act county police constables were barred from becoming parish constables. The barrister was asked to advise whether

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<sup>15</sup> ERO Q/FAc 7/2/2A.

<sup>16</sup> ERO Q/SO 41.

<sup>17</sup> 2 & 3 Vic. c93 and 3 & 4 Vic. c88.

<sup>18</sup> 5 & 6 Vic. c109.



county constables could be eligible to serve as parish constables should the county require it, in spite of the fact that the 1842 Act decreed that they were ineligible. The thinking was clearly that a county constable who was authorised to act as a parish constable would be free to perform many extra duties and thus demonstrate that the county force was good value for money.

The barrister's advice was dated 27 May 1852, and it confirmed that county constables could not legally be **appointed** as parish constables because of the wording of the 1842 Act. He believed, however, that they **could** lawfully perform parish constables' specific duties. In such circumstances no fees could be claimed from parishes because the 1839 Act specifically prevented members of the new police from being in 'any office or employment for hire or gain'. As far as the barrister was concerned, the only necessities for constables was that they performed the duties appropriate to their office, and that they knew what was required of them.<sup>19</sup>

There is no indication that rapid changes resulted from the counsel's advice, perhaps because McHardy still felt that his force was not yet large enough to operate without having the assistance of parish constables for certain duties. In June 1852, for example, he issued an instruction that police constables were not to serve summonses for bastardy offences except in special circumstances; the circumstances were not specified.<sup>20</sup> In September 1853 one of McHardy's frequent memos to divisional superintendents directed them to ensure that 'gradually and judiciously' county constables were to undertake 'as far as practicable, all duties hitherto performed by local constables'. Such actions would -

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<sup>19</sup> ERO Q/SO 41 p 377.

<sup>20</sup> Ibid.



Leave in prospect the near approach of a fitting occasion for relieving the public of the considerable expense that still attends the employment of parochial constables...<sup>21</sup>

### ***Background to the Select Committee***

While McHardy was seeking to make his force more professional, moves were underway at national level which effectively prevented any further development of the parish constable system. Lord Palmerston, who became Home Secretary in December 1852, instigated action which led to a parliamentary select committee being briefed to consider ways to encourage the adoption of a more uniform policing system. As Philips and Storch point out, the select committee was 'well stacked' with supporters of rationalisation of the rural police.<sup>22</sup> Witnesses and evidence were chosen to extol the virtues of county forces and the deficiencies of parish constables in their various forms, especially the system of superintending constables. A range of witnesses from different counties and boroughs gave their views. As well as McHardy's evidence, the committee heard the somewhat parochial views of a number of Essex landowners, such as John Clayden from Saffron Walden; James Parker, the solicitor son of the former Clerk of the Peace; and five former Essex police officers who had moved on to higher ranks or positions elsewhere. McHardy concluded one of his statements of evidence by explaining that parish constables were still being appointed, despite the considerable expense they caused in 'performing petty duties which might be easily and better performed by the police'.<sup>23</sup>

One of the police witnesses was Thomas Redin, who had been the Dunmow superintendent between May 1840 and October 1845.<sup>24</sup> Redin was questioned about

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<sup>21</sup> ERO D/Z 149 no. 13 dated 10 September 1853.

<sup>22</sup> P & S p 227.

<sup>23</sup> Select com. para 801.

<sup>24</sup> ERO J/P 2/1.



his Essex experiences as well as his current role, and spoke in glowing terms of the benefits to Essex of its county police.<sup>25</sup> Like many other witnesses, he was asked leading questions about problems with vagrants and the non-effectiveness of parish constables in dealing with them. Whilst not overtly antagonistic to parish constables, Redin's responses were faintly patronising. He had seldom received a prisoner of any description from a parochial constable, probably - he said - because their local connections made effectiveness difficult.<sup>26</sup> An Essex parish constable who had taken control of a prisoner when requested, however, was described as 'a decent respectable man'.<sup>27</sup> But decent, respectable men did not necessarily have expertise in police matters.

One of McHardy's frequent complaints, both to the select committee and in various newspaper reports, was the lack of proper co-operation between the county and borough forces. He considered the problems were to be found both on the ground and at management level, and pressed the case for amalgamation as a means of saving money.<sup>28</sup> This has been discussed in more detail in Chapter 6. Other witnesses before the committee took a similar line. John Clayden, the Saffron Walden farmer, made some scathing remarks about his local borough force which, in 1852, consisted of two men, although it had operated previously with part-time parish constables and a beadle.<sup>29</sup> Clayden told the committee that he was keen for the borough force to amalgamate with the county police, although the town council was

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<sup>25</sup> Select com. para. 1407.

<sup>26</sup> Ibid. para. 1441.

<sup>27</sup> Ibid. para. 1511.

<sup>28</sup> Ibid. para. 3092.

<sup>29</sup> Ibid.



‘decidedly and unanimously opposed to such a union’.<sup>30</sup> Leading questions put to Clayden about the inefficiency of parochial constables, however, elicited conflicting responses: a statement that parochial constables were ‘perfectly inefficient’, while conceding that they were useful although not as efficient as ‘a general system of police acting in concert with one another would be’.<sup>31</sup>

Using the responses from the select committee as evidence, a parliamentary Bill was drawn up by Palmerston to amalgamate small boroughs with counties, and small counties with larger ones. Chief constables were also to be in closer contact with the Home Office.<sup>32</sup> The Bill was thrown out after petitions were received from all over the country including the Essex boroughs. Sir George Grey’s amended Bill for police reform was introduced into Parliament in February 1856, bringing with it proposals for annual government inspections and the reimbursement of one quarter of expenditure on pay and clothing for those forces certified efficient.<sup>33</sup> The new Bill also broke fresh administrative ground by empowering quarter sessions to instruct the police to perform work other than that involved in keeping the peace; for example by collecting rates, and acting as surveyors of roads, markets and bridges. Small boroughs were to be ‘encouraged’ to amalgamate with the local county force.<sup>34</sup>

As Grey’s bill passed through Parliament a letter in the *Essex Standard* for 21 March 1856 raised the issue of amalgamation for Saffron Walden. Using as a pen name ‘A sufferer from local mismanagement’, the writer complained that the mayor and corporation of Saffron Walden had held a ‘snug meeting’ to petition against the

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<sup>30</sup> Ibid. para. 3102.

<sup>31</sup> Ibid. para. 3119.

<sup>32</sup> Emsley, *English Police*, p 50.

<sup>33</sup> Ibid.

<sup>34</sup> Carolyn Steedman, *Policing the Victorian Community*, (Routledge & Kegan Paul, 1984), p 53. [Hereafter Steedman].



proposed Act, despite knowing that most of the burgesses were in favour of it. Taking a line similar to Clayden in his evidence to the select committee, the writer witheringly described the borough force as two policemen and a beadle 'who is generally employed in distributing circulars for tradesmen and others in the town, and who is never seen beyond the precincts of the gas lights'.<sup>35</sup>

### ***Conclusion***

Having journeyed to the end - for all practical purposes - of the ancient system of parochial policing, it is appropriate to review the elements that brought this about, and to attempt some general conclusions.

The Essex magistrates who took the decision to set up the county police in 1840 were a well-educated group, many of them being Cambridge graduates highly likely to have been exposed to new ideas, and with a mindset which made them ready to accept change. There was a great emphasis on finance in the thinking of the time, and such capitalist philosophies easily led to what amounted to a 'free market' in policing models. The evidence deployed throughout this thesis has shown that while political pressures about policing were recognised at local level, the attempts by many reformers to denigrate the parochial constable system were often rejected by the very people they policed. People's views mattered and a similar pattern is apparent in the evidence from borough forces where each council was strongly aware of its history and status and reacted accordingly. The pattern of changes to policing models was decided not solely by policy, but by the personalities involved in local negotiations.

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<sup>35</sup> *Essex Standard* 21 March 1856.



### ***Future Work***

There is still a good deal of work to be done in this area, but constraints on time precluded the completion of some promising lines of enquiry. Much time was spent on sorting and listing on a spreadsheet nearly two thousand entries from three sample years (1835, 1837, 1840) of the body receipts found amongst the bills and vouchers passed by quarter sessions. It had been hoped to use the material to analyse constables' and justices' activities in relation to committal warrants, to obtain a clearer picture of how parish constables and county constables were involved in court-generated activities, and to explore the gender balance of prisoners and their offences. Although occasional references have been made to information gained from the bills and vouchers the full worth of these potentially invaluable archives has not yet been realised. Chris A. Williams' quantitative approach to such material illustrates well what can be done in this field.<sup>36</sup> The transfer of this Essex detail to a relational database will open up even further possibilities for analysis. It would be technically possible, for example, to link specific offences such as vagrancy to particular parishes or constables, and test some simple hypotheses such as identifying whether a particular JP specialised in warrants for particular offences. This conversion to a relational database could not be completed in the time available for this dissertation without the acquisition of new and sophisticated IT skills. However work on the database is continuing, and it will eventually be made available to the Essex Record Office where it should suggest future lines of research for others also.

Steedman asserts that in the provinces all questions of police management

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<sup>36</sup> Chris A. Williams, 'Counting crimes or counting people: some implications of mid-nineteenth century British police returns', in *Crime, History & Societies*, 2000, Vol. 4, no. 2, pp. 77-9.



were ultimately financial questions, and that the history of local police is also an outline for 'the largely unwritten history of rate paying politics.'<sup>37</sup> Finance is a central feature of most of the debates on policing in Essex, and there are fragmented sources in the various archives consulted that relate to the cost of the police. Once again, however, time prevented a detailed collection and analysis of this evidence, but it remains a worthwhile subject for future research.

While it is dangerous to generalise too much from a local study such as this, it should be remembered that Essex served as a **model** for other early police forces and often provided some of their senior officers. Seemingly parallel developments thus may have occurred naturally. Not for nothing did the *Chelmsford Chronicle* describe Essex Constabulary in 1850 as 'a nursery for policemen'.<sup>38</sup> However, although Essex by the 1850s was only one of many county forces, some general conclusions suggest themselves.

By the mid-nineteenth century the parochial system of policing was still seen by many ratepayers as adequate, or at least good enough to provide a framework for future development, so plans to introduce the county police did not meet with universal enthusiasm. Likewise, neither did the introduction of the Essex Constabulary produce a dramatic change in how the county was policed. It was many years before the new policing model satisfied most of its critics as to its cost-effectiveness, even though it had a built-in advantage that arose partly from the benefits of having a command structure and supervisory ranks, in contrast to the looser organisation of the parochial system.

While there is some evidence that key figures - especially in unsettled periods -

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<sup>37</sup> Steedman p 41.

<sup>38</sup> *Chelmsford Chronicle* 18 June 1850.



had their own agenda for a national police force, for a long period significant local control remained. Most of the available evidence suggests that it was the approval of influential local citizens, and the reactions of ratepayers, that guided how the policing model for an area would work in practice; there was *never* any inevitability to the process. The new police, therefore, had the chance to build on a pattern of public toleration that had long been established by parochial constables, so it is *they* who deserve not our 'condescension' but our respect for having established the fundamental policing ethic that is still generally taken for granted - the people choose to be policed.



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## APPENDIX I - TRADE OR STATUS OF RECRUITS TO ESSEX CONSTABULARY BETWEEN 1840-60

The majority of trades provided very small groups of recruits, typically less than 1% in any given year. The exceptions to this pattern were soldiers or labourers, (typically 10% to 20%) and their detailed figures are provided in Chapter 4.

Agent	Gardener	Police - Revenue
Bailiff	Gent	Police - Surrey
Baker	Grass grinder	Police - unspecified
Blacksmith	Glass blower	Porter
Boatbuilder	Glover	Postman
Bootmaker	Grocer	Printer
Brazier	Groom	Proctor
Bricklayer	Harness maker	Publican
Brickmaker	Haybinder	Ropemaker
Builder	Hemp dresser	Royal Navy
Butcher	Horseclipper	Saddler
Cabinet maker	Horseman	Sail maker
Calico printer	Rubber maker	Sailor
Carman	Joiner	Sawyer
Carpenter	Labourer	Schoolmaster
Carter	Law	Seaman
Cheesemonger	Linen maker	Servant
Chemist	Maltster	Shoemaker
Clerk	Marine	Shopkeeper
Clockmaker	Mariner	Silversmith
Clogher	Militia	Soldier
Clothier	Miller	Solicitor
Coachmaker	Musician	Stenciller
Coachman	Painter	Stonemason
Coach painter	Paper maker	Student
Coach smith	Pattern maker	Surveyor
Coast guard	Pawnbroker	Tailor
Coffin maker	Pig dealer	Tallow chandler
Constable	Plasterer	Tea dealer
Cooper	Plumber	Tea man
Coppersmith	Police - Bath	Thatcher
Corn dealer	Police - Beds.	Tide waiter <sup>1</sup>
Currier	Police - Bucks.	Traveller <sup>2</sup>
Dealer	Police - Cambs.	Turnkey
Draper	Police - City	Waggoner
Dredger	Police - Colchester	Watchmaker
Druggist	Police - Dublin	Weaver
Engineer	Police - Essex	Wheelwright
Engraver	Police - Harwich	
Factor	Police - Irish	
Farmer	Police - Maldon	
Fishmonger	Police - Met.	
Gamekeeper	Police - Norfolk	
Gaoler	Police - Railway	

<sup>1</sup> A customs officer who boarded ships to prevent evasion of regulations.

<sup>2</sup> An itinerant salesman.



## APPENDIX 2

### POPULATION OF EACH PARISH IN THE TENDRING HUNDRED IN 1841

(from White's *Directory of Essex* 1848 p 443).

Alresford	289
Ardleigh	1605
Beaumont	451
Bentley Gt.	1005
Bentley Lt.	462
Bradfield	995
Brightlingsea	2055
Bromley Gt.	738
Bromley Lt.	426
Clacton Gt.	1296
Clacton Lt.	547
Elmstead	809
Frating	271
Frinton	44
Holland Gt.	481
Holland Lt.	75
Kirby	924
Lawford	868
Manningtree	1255
Mistley	976
Oakley Gt.	1145
Oakley Lt.	254
St Osyth	1677
Ramsey	649
Tendring	925
Thorpe-le-Soken	1365
Thorrington	531
Walton	721
Weeley	580
Wix	808
Wrabness	252

1 Harwich and Dovercourt formed part of the Borough of Harwich, and had a population of 3829 in 1841. It had its own Commission of Peace.

2 Brightlingsea was a member of the Cinque ports, being part of Sandwich in Kent, and treated separately to the rest of Tendring Hundred for some matters.

3 Kirby, Thorpe and Walton formed a district known as the Sokens.